

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-THIRD DAY — SATURDAY, MAY 31, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 884).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smith; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

The invocation was offered by Harlon Overstreet, pastor, United Missionary Baptist Church, Tyler, as follows:

O God, our help in ages past, our hope for years to come, our shelter from the stormy blasts of life, and always, our eternal God, with bowed heads and humble hearts, we beseech your presence as we pause today to thank you for everything before we ask you for anything. We thank you, O God, for life, health, and strength. Thank you for all of your many kind and generous blessings. Thank you, dear Lord, for safely guiding us over the busy and dangerous highways and bringing us safely here today. Thank you, dear Lord, for keeping our hearts beating normally. Thank you for all of your rich blessings that you have bestowed upon us, your servants. Now, Lord, continue to use me in your service each day.

We ask thy kindest blessings upon Governor Perry as he embarks on his first full term as governor of the great State of Texas. Lord, please guide him in all of his decisions. Be with all of the representatives of our state government. May all

of them seek your divine guidance and follow your directives. Bless this session and help it to be a success. Even when they disagree, help them not to become disagreeable. Give each one a broader vision and a closer walk with you. Bless this great state—Texas, our Texas, and help it to become a better state because of the service our leaders shall render. Not only help and bless the State of Texas, but also bless and help the world to become a better world.

Then, Lord, when we have done that which you assigned us to do, and this world cannot afford us a home any longer, please receive our souls into thy kingdom, and we will be pleased to give your name praises and glory throughout eternity. These things we ask in the name of Jesus. Amen.

CAPITOL PHYSICIAN

The speaker recognized Representative Casteel who presented Dr. Beverly Nuckols of New Braunfels as the "Doctor for the Day."

The house welcomed Dr. Nuckols and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HB 3588 - MOTION TO SUSPEND RULES

On the previous legislative day, Representative Solis' motion to suspend House Rule 13, Section 8 in order to instruct the conference committee on **HB 3588** was pending when the house adjourned.

The motion was withdrawn.

HR 1738 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1738**, suspending the limitations on the conferees for **SB 1639**.

HR 1757 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1757**, suspending the limitations on the conferees for **HB 1538**.

HR 1739 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1739**, suspending the limitations on the conferees for **HB 3184**.

HR 1713 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1713**, suspending the limitations on the conferees for **HB 1493**.

HR 1706 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1706**, suspending the limitations on the conferees for **SB 473**.

HR 1694 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1694**, suspending the limitations on the conferees for **HB 3015**.

HR 1478 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1478**, suspending the limitations on the conferees for **SB 287**.

HR 1754 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1754**, suspending the limitations on the conferees for **HB 2593**.

HR 1755 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 1755**, suspending the limitations on the conferees for **HB 3622**.

(Hamilton in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Mercer requested permission for the conference committee on **SB 264** to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference committee on **SB 264**, 11 a.m. today, E2.018, for a work session, to consider **SB 264**.

**HR 1723 - ADOPTED
(by Crownover)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 1723**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1723, Recognizing June 2003 as National Truck Safety Month in Texas.

HR 1723 was adopted without objection.

HR 1746 - ADOPTED
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 1746**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1746, Recognizing Sergeant David Alan Luna of Edinburg for his service to his country.

HR 1746 was adopted without objection.

HR 1747 - ADOPTED
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 1747**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1747, Recognizing Jose Simon Franco of the Delta area for his service to his country.

HR 1747 was adopted without objection.

HCR 278 - MOTION TO ADD NAMES

On motion of Representative Goolsby, the names of all the members of the house were added to **HCR 278** as signers thereof.

HR 1606 - ADOPTED
(by Burnam)

Representative Burnam moved to suspend all necessary rules to take up and consider at this time **HR 1606**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1606, In memory of Thomas "Harold" Lide of Fort Worth.

HR 1606 was unanimously adopted by a rising vote.

On motion of Representative Farabee, the names of all the members of the house were added to **HR 1606** as signers thereof.

HR 1678 - ADOPTED
(by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HR 1678**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1678, Congratulating Jose Menendez and Nicole Newman-Menendez on the birth of their daughter, Victoria Elise Newman-Menendez.

HR 1678 was adopted without objection.

On motion of Representative Farabee, the names of all the members of the house were added to **HR 1678** as signers thereof.

HR 1679 - ADOPTED
(by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HR 1679**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1679, Congratulating State Representative Jose Menendez and Nicole Newman-Menendez on the birth of their son, Dominic Michael Newman-Menendez.

HR 1679 was adopted without objection.

On motion of Representative Farabee, the names of all the members of the house were added to **HR 1679** as signers thereof.

HR 340 - ADOPTED
(by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 340**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 340, In memory of Corporal Joseph Thomas Cushman of the Arlington Police Department, who was killed in the line of duty.

HR 340 was unanimously adopted by a rising vote.

MOTION TO CHANGE JOURNAL

Representative Noriega moved to change the house journal of Day 68, Monday, May 12 to show Representative P. Moreno as absent on the pre-verified count of the roll call.

The motion prevailed without objection.

HR 1671 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1671**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1671, Honoring the Clint Senior Citizens Nutrition Center of El Paso County.

HR 1671 was adopted without objection.

HR 1670 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1670**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1670, Honoring the Socorro Senior Citizens Nutrition Center on its service to the community.

HR 1670 was adopted without objection.

HR 1669 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1669**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1669, Honoring the San Elizario Senior Citizens Nutrition Center of El Paso County.

HR 1669 was adopted without objection.

HR 1668 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1668**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1668, Honoring the Fabens Senior Citizens Nutrition Center of El Paso County.

HR 1668 was adopted without objection.

HR 1667 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1667**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1667, Congratulating Diane Whitty, mayor-elect of Horizon City.

HR 1667 was adopted without objection.

HR 1666 - ADOPTED

(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1666**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1666, Recognizing the Inner Resources Foundation for Children and Families for its efforts to memorialize Cesar Chavez.

HR 1666 was adopted without objection.

HR 1733 - ADOPTED

(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1733**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1733, Congratulating Jonathan Grijalva of San Elizario on winning the Health Occupations Students of America state competition.

HR 1733 was adopted without objection.

HR 1732 - ADOPTED

(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1732**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1732, Congratulating Manny Diaz on being named to the El Paso Times All-City boys' track and field team.

HR 1732 was adopted without objection.

HR 1731 - ADOPTED

(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1731**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1731, Honoring Little League baseball player Danny Padilla, Jr., of Tornillo.

HR 1731 was adopted without objection.

HR 1730 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1730**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1730, Recognizing Oz Glaze Senior Citizens Center.

HR 1730 was adopted without objection.

HR 1729 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1729**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1729, Congratulating Valeria Barraza of San Elizario High School on her receipt of a Salute to Education scholarship.

HR 1729 was adopted without objection.

HR 1728 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1728**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1728, Congratulating Celina Gonzalez of Americas High School for receiving the Dr. W. D. Barber Scholarship for Public School Teacher Training at The University of Texas at El Paso.

HR 1728 was adopted without objection.

HR 1727 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1727**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1727, Congratulating Adriana Diaz of Socorro High School for receiving the Dr. W. D. Barber Scholarship for Public School Teacher Training at The University of Texas at El Paso.

HR 1727 was adopted without objection.

HR 1726 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1726**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1726, Honoring the Montana Vista Senior Citizens Nutrition Center of El Paso.

HR 1726 was adopted without objection.

HR 1725 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1725**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1725, Congratulating Daisy Perez of Montwood High School for receiving the Dr. W. D. Barber Scholarship for Public School Teacher Training at The University of Texas at El Paso.

HR 1725 was adopted without objection.

HR 1724 - ADOPTED
(by Quintanilla)

Representative Griggs moved to suspend all necessary rules to take up and consider at this time **HR 1724**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1724, Honoring San Elizario ISD trustee Lorenza Zuniga.

HR 1724 was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representatives B. Brown and Riddle who introduced Melissa Marfin and Jonathan English.

HR 1535, congratulating Melissa Marfin and Jonathan English on their engagement and upcoming wedding, having been previously adopted, was read.

HR 1535 - MOTION TO ADD NAMES

On motion of Representative Riddle, the names of all the members of the house were added to **HR 1535** as signers thereof.

(Riddle in the chair)

HR 1695 - ADOPTED

(by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 1695**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1695, Honoring James R. "Rick" Stacy, former mayor of Southlake.

HR 1695 was adopted without objection.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 1695** as signers thereof.

HR 1734 - ADOPTED

(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1734**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1734, Honoring David Shelton of Pittsburg, Texas, on being named president of DECA, Inc.

HR 1734 was adopted without objection.

HCR 279 - ADOPTED

(by Merritt, Laubenberg, and Berman)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HCR 279**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 279, Commending the countless contributions of the Honorable Ralph M. Hall, U.S. congressman and former state senator, and extending to him best wishes for continued success.

HCR 279 was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HCR 279** as signers thereof.

HR 1703 - ADOPTED
(by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 1703**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1703, Honoring Sergeant John Mathis, Officer James Mathis, and Reserve Deputy Jennifer Mathis of Gregg County for their contributions to their community.

HR 1703 was adopted without objection.

HR 1758 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 1758**, suspending the limitations on the conferees for **HB 1695**.

HR 1759 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 1759**, suspending the limitations on the conferees for **SB 103**.

HR 1707 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1707**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1707, Congratulating Randall W. Dobbs on his selection as chief executive officer and president of Community National Bank in Bellaire.

HR 1707 was adopted without objection.

HR 1708 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1708**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1708, Honoring Thomas Edward O'Rourke, Jr., of Houston on his high school graduation.

HR 1708 was adopted without objection.

HR 1709 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1709**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1709, Congratulating Elizabeth Hull of Lanier Middle School for being named Teacher of the Year.

HR 1709 was adopted without objection.

HR 138 - ADOPTED
(by Puente)

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 138**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 138, Honoring Robert Perez Puente of San Antonio on his 83rd birthday.

HR 138 was adopted without objection.

HB 1457 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Eiland called up with senate amendments for consideration at this time,

HB 1457, A bill to be entitled An Act relating to the authorization of the imposition of a temporary prohibition on enforcement of the law governing access to public beaches following a meteorological event.

Representative Eiland moved to discharge the conferees and concur in the senate amendments to **HB 1457**.

A record vote was requested.

The motion prevailed by (Record 885): 149 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes;

Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle(C); Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Senate Committee Substitute

HB 1457, A bill to be entitled An Act relating to the applicability and enforcement of the law governing access to public beaches.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.011, Natural Resources Code, is amended by amending Subsections (c) and (d) and adding Subsection (f) to read as follows:

(c) The commissioner ~~[attorney general]~~ shall strictly and vigorously enforce the prohibition against encroachments on and interferences with the public beach easement. ~~[The attorney general shall develop and publicize an enforcement policy to prevent and remove any encroachments and interferences on the public beach. The land office may assist the attorney general in enforcing this subchapter.]~~

(d) The commissioner shall promulgate rules, consistent with the policies established in this section, on the following matters only:

(1) acquisition by local governments or other appropriate entities or public dedication of access ways sufficient to provide adequate public ingress and egress to and from the beach within the area described in Subdivision (6) ~~[of this subsection]~~;

(2) protection of the public easement from erosion or reduction caused by development or other activities on adjacent land and beach cleanup and maintenance;

(3) local government prohibitions of vehicular traffic on public beaches, provision of off-beach parking, and other minimum measures needed to mitigate for any adverse effect on public access and dune areas;

(4) imposition of beach access, user, or parking fees and reasonable exercises of the police power by local governments with respect to public beaches;

(5) contents and certification of beach access and use plans and standards for local government review of construction on land adjacent to and landward of public beaches; ~~[and]~~

(6) construction on land adjacent to and landward of public beaches and lying in the area either up to the first public road generally parallel to the beach or to any closer public road not parallel to the beach, or to within 1,000 feet of mean high tide, whichever is greater, that affects or may affect public access to and use of public beaches; and

(7) the temporary suspension under Section 61.0185 of enforcement of the prohibition against encroachments on and interferences with the public beach easement and the ability of a property owner to make repairs to a house while a suspension is in effect.

(f) Chapter 2007, Government Code, does not apply to rules adopted under Subsection (d)(7).

SECTION 2. Sections 61.015(b)-(d), Natural Resources Code, are amended to read as follows:

(b) Local governments shall submit proposed beach access and use plans to the commissioner for certification as to compliance with such policies and rules ~~[and to the attorney general for review and comment]~~. The commissioner shall act on a local government's proposed beach access and use plan within 60 days of submission by either approving the plan or denying certification. In the event of denial, the commissioner shall send the proposed plan back to the originating local government with a statement of specific objections and the reasons for denial, along with suggested modifications. On receipt, the local government shall revise and resubmit the plan. The commissioner's certification of local government plans shall be by adoption into the rules under Section 61.011 ~~[of this code]~~.

(c) A littoral owner proposing construction adjacent to and landward of a public beach in the area described in Section 61.011(d)(6) ~~[of this code]~~ shall submit a development plan to the appropriate local government. The local government shall forward the development plan to the commissioner ~~[and the attorney general]~~ no less than 10 working days prior to acting on the development plan. The commissioner ~~[or the attorney general]~~ may submit comments on the proposed construction to the local government.

(d) The local government shall review the proposed development plan and the commissioner's ~~[and attorney general's]~~ comments and other information the local government may consider useful to determine consistency with the local government's beach access and use plan.

SECTION 3. Sections 61.018(a) and (d), Natural Resources Code, are amended to read as follows:

(a) Any county attorney, district attorney, or criminal district attorney, or the ~~[The]~~ attorney general~~[- individually or]~~ at the request of the commissioner, ~~[or any county attorney, district attorney, or criminal district attorney]~~ shall file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this chapter.

(d) Any county attorney, or the ~~[The]~~ attorney general~~[- either individually or]~~ at the request of the commissioner ~~[or any county attorney]~~, may bring a suit for a declaratory judgment to try any issue affecting the public's right of access to or use of the public beach.

SECTION 4. Subchapter B, Chapter 61, Natural Resources Code, is amended by adding Section 61.0185 to read as follows:

Sec. 61.0185. TEMPORARY SUSPENSION OF SUBMISSION OF REQUESTS THAT ATTORNEY GENERAL FILE SUIT. (a) The commissioner by order may suspend for a period of two years from the date the order is issued the submission of a request that the attorney general file a suit under Section 61.018(a) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove a house from a public beach if the commissioner determines that:

(1) the line of vegetation establishing the boundary of the public beach has moved as a result of a meteorological event;

(2) the house was located landward of the natural line of vegetation before the meteorological event; and

(3) the house does not present an imminent threat to public health and safety.

(b) The commissioner shall make a determination under Subsection (a) regarding the line of vegetation in accordance with Sections 61.016 and 61.017.

(c) The commissioner shall consult with the Bureau of Economic Geology of The University of Texas at Austin when making a determination under Subsection (a) regarding:

(1) the line of vegetation; or

(2) the effect of a meteorological event on the location of the public beach easement.

(d) This section does not apply to a house that the commissioner determines to be:

(1) located in whole or in part below mean high tide; or

(2) more than 50 percent destroyed as a result of a meteorological event.

(e) An order issued under this section shall be:

(1) posted on the land office's Internet website;

(2) published by the land office as a miscellaneous document in the Texas Register; and

(3) filed for record by the land office in the real property records of the county in which the house is located.

(f) The commissioner shall notify the attorney general and each pertinent county attorney, district attorney, or criminal district attorney of the issuance of an order under this section.

(g) A county attorney, district attorney, or criminal district attorney may not file suit under Section 61.018(a) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove a house from a public beach while the house is subject to an order issued under this section.

(h) While an order issued under this section is in effect, a local government may:

(1) issue a certificate or permit authorizing repair of a house subject to the order if the local government determines that the repair:

(A) is solely to make the house habitable;

(B) complies with rules adopted by the commissioner under Section 61.011(d)(7); and

(C) does not increase the footprint of the house or involve the use of concrete, Fibercrete, or other impervious materials seaward of the line of vegetation; and

(2) allow utilities to be reconnected to a house subject to the order.

(i) Issuance of an order under this section is purely within the discretion of the commissioner. This section does not create:

(1) a duty on the part of the commissioner to issue an order related to all or part of a house, regardless of any determination made; or

(2) a private cause of action for:

(A) issuance of an order under this section; or

(B) failure to issue an order under this section.

(j) Chapter 2007, Government Code, does not apply to an order issued under this section.

(k) If the commissioner issues an order under this section, a limitations period established by statute, under common law, or in equity that may be asserted or claimed in any action under this chapter is suspended and does not run against this state, the public, or the owner of the house for the period the order is in effect.

(l) Expenses incurred while an order issued under this section is in effect by the owner of a house in an effort to repair or otherwise make the house habitable may not be claimed as damages in any litigation with this state or a local government that may be filed to enforce this chapter.

SECTION 5. Sections 61.022(a) and (c), Natural Resources Code, are amended to read as follows:

(a) The provisions of this subchapter do not prevent any of the following governmental entities [agency, department, institution, subdivision, or instrumentality of this state or of the federal government] from erecting or maintaining any groin, seawall, barrier, pass, channel, jetty, or other structure as an aid to navigation, protection of the shore, fishing, safety, or other lawful purpose authorized by the constitution or laws of this state or the United States:

(1) an agency, department, institution, subdivision, or instrumentality of the federal government;

(2) an agency, department, institution, or instrumentality of this state;

(3) a county;

(4) a municipality; or

(5) a subdivision of this state, other than a county or municipality, acting in partnership with the county or municipality in which the structure is located.

(c) A local government proposing to adopt or amend such vehicular traffic regulations, except those for public safety, or fees shall submit a plan detailing the proposed action to the [attorney general and the] commissioner for review. The commissioner shall certify whether the proposed action is consistent or inconsistent with such policies and rules. Certifications of consistency shall be by adoption into the rules promulgated under Section 61.011 [of this code].

SECTION 6. Section 61.026(b), Natural Resources Code, is amended to read as follows:

(b) The land office ~~[or the attorney general's office]~~ may develop and distribute public information about the requirements of this chapter, the importance of natural beach and dune systems, and the necessity for preserving them. Such information may include public service announcements made under the direction of the land office.

SECTION 7. Section 63.054(c), Natural Resources Code, is amended to read as follows:

(c) Each county or municipality administering this chapter shall establish procedures and requirements governing the review and approval of dune permits, and these procedures and requirements shall be submitted to the commissioner ~~[and attorney general]~~ for ~~[their]~~ comments.

SECTION 8. Section 63.181(a), Natural Resources Code, is amended to read as follows:

(a) Any county attorney, district attorney, or criminal district attorney, or the ~~[The]~~ attorney general~~[- individually or]~~ at the request of the commissioner, ~~[or any county attorney, district attorney, or criminal district attorney]~~ shall file in a district court of Travis County or in the county in which the violation occurred a suit to obtain either a temporary or permanent court order or injunction to prohibit and remedy any violation of this chapter or any rule, permit, or order under this chapter and to collect damages to natural resources injured by the violation and to recover civil penalties.

SECTION 9. Section 61.011(e), Natural Resources Code, is repealed.

SECTION 10. (a) This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

(b) Section 61.0185, Natural Resources Code, as added by this Act, applies to a meteorological event occurring before, on, or after the effective date of this Act.

SB 4 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative McReynolds, the house granted the request of the senate for the appointment of a conference committee on **SB 4**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 4**: Morrison, chair; McReynolds; F. Brown; Chavez; and Goolsby.

SB 76 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Grusendorf, the house granted the request of the senate for the appointment of a conference committee on **SB 76**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 76**: Grusendorf, chair; Villarreal; Dawson; Madden; and Branch.

**SB 86 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Morrison, the house granted the request of the senate for the appointment of a conference committee on **SB 86**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 86**: Morrison, chair; F. Brown; Gallego; Goolsby; and Nixon.

**SB 127 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Solomons, the house granted the request of the senate for the appointment of a conference committee on **SB 127**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 127**: Seaman, chair; Taylor; Smithee; Solomons; and Van Arsdale.

**SB 474 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Capelo, the house granted the request of the senate for the appointment of a conference committee on **SB 474**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 474**: Capelo, chair; Naishtat; Morrison; Pitts; and T. Smith.

**SB 671 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hochberg, the house granted the request of the senate for the appointment of a conference committee on **SB 671**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 671**: Wohlgeomuth, chair; J. Keffer; Hochberg; Homer; and Dawson.

**SB 826 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Keel, the house granted the request of the senate for the appointment of a conference committee on **SB 826**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 826**: Keel, chair; Denny; Peña; Ellis; and Hodge.

**SB 929 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Grusendorf, the house granted the request of the senate for the appointment of a conference committee on **SB 929**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 929**: Grusendorf, chair; Chisum; Griggs; Madden; and Eissler.

**SB 1108 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Grusendorf, the house granted the request of the senate for the appointment of a conference committee on **SB 1108**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1108**: Grusendorf, chair; Branch; Dutton; Madden; and Eissler.

**SB 1131 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Capelo, the house granted the request of the senate for the appointment of a conference committee on **SB 1131**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1131**: Capelo, chair; Delisi; Truitt; Zedler; and McReynolds.

**SB 1664 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Christian, the house granted the request of the senate for the appointment of a conference committee on **SB 1664**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1664**: Christian, chair; Hopson; Wise; Flynn; and Hughes.

**SB 1782 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hamric, the house granted the request of the senate for the appointment of a conference committee on **SB 1782**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1782**: Hamric, chair; Krusee; Pickett; Phillips; and Garza.

**SB 1369 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Delisi, the house granted the request of the senate for the appointment of a conference committee on **SB 1369**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1369**: Delisi, chair; Pitts; Gutierrez; Harper-Brown; and Pickett.

**SB 1828 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hardcastle, the house granted the request of the senate for the appointment of a conference committee on **SB 1828**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1828**: Swinford, chair; Chisum; Casteel; Hardcastle; and R. Cook.

**SB 1370 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Delisi, the house granted the request of the senate for the appointment of a conference committee on **SB 1370**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1370**: Delisi, chair; Pitts; Crownover; Harper-Brown; and Pickett.

**HB 518 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Menendez called up with senate amendments for consideration at this time,

HB 518, A bill to be entitled An Act relating to the service of citation by publication in a suit affecting the parent-child relationship.

Representative Menendez moved to discharge the conferees and concur in the senate amendments to **HB 518**.

The motion prevailed.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 518** on page 1, line 12, by striking "first or".

Senate Amendment No. 2 (Senate Floor Amendment No. 1)

Amend **HB 518** (Senate Committee Printing) on page 1, line 33, by adding new Section (2), to read as follows:

Section 231.006, Subsection (b), Family Code, is Amended to read as follows:

(b) A child support obligor or business entity ineligible to receive payments under Subsection (a) remains ineligible until:

(1) all arrearage have been paid; ~~or~~

(2) the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency;or

(3) the court of continuing jurisdiction over the child support order has grant the obligor an exemption from Subsection (a) as part of a court supervised effort to improve earnings and child support payments.

HR 1675 - ADOPTED
(by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 1675**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1675, Honoring State Representative Mark Homer and Jennifer Homer on the birth of their son, Harrison Wade Homer.

HR 1675 was adopted without objection.

On motion of Representative Farabee, the names of all the members of the house were added to **HR 1675** as signers thereof.

HR 1676 - ADOPTED
(by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 1676**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1676, Honoring Mark and Jennifer Homer on the birth of their son, Hayden Joseph Homer.

HR 1676 was adopted without objection.

On motion of Representative Farabee, the names of all the members of the house were added to **HR 1676** as signers thereof.

HCR 275 - ADOPTED
(by Dutton and Wong)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HCR 275**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 275, Honoring Coach Rudy Tomjanovich of the Houston Rockets on his retirement as head coach.

HCR 275 was adopted without objection.

On motion of Representative Wong, the names of all the members of the house were added to **HCR 275** as signers thereof.

**SB 1551 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hughes, the house granted the request of the senate for the appointment of a conference committee on **SB 1551**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1551**: Hartnett, chair; Hughes; Wohlgemuth; T. Smith; and Rodriguez.

**SB 1835 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Eissler, the house granted the request of the senate for the appointment of a conference committee on **SB 1835**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1835**: Eissler, chair; Deshotel; Gattis; Gallego; and Keel.

SB 504 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Ellis submitted the conference committee report on **SB 504**.

Representative Ellis moved to adopt the conference committee report on **SB 504**.

The motion prevailed.

**SB 270 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Wilson, the house granted the request of the senate for the appointment of a conference committee on **SB 270**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 270**: Wilson, chair; Luna; Y. Davis; Wohlgemuth; and Hamric.

HB 11 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Keel submitted the following conference committee report on **HB 11** :

Austin, Texas, May 29, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 11** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Shapiro
Ellis, Rodney

Keel
E. Jones

Deuell
Armbrister
Nelson

Berman
Gallego

On the part of the senate

On the part of the house

HB 11. A bill to be entitled An Act relating to the offense of terroristic threat and to the punishment as a capital offense of murder occurring during the commission or attempted commission of terroristic threat.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 19.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [~~he~~] commits murder as defined under Section 19.02(b)(1) and:

(1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, [~~or~~] obstruction or retaliation, or terroristic threat under Section 22.07(a)(1), (3), (4), (5), or (6);

(3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration;

(4) the person commits the murder while escaping or attempting to escape from a penal institution;

(5) the person, while incarcerated in a penal institution, murders another:

(A) who is employed in the operation of the penal institution; or

(B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;

(6) the person:

(A) while incarcerated for an offense under this section or Section 19.02, murders another; or

(B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;

(7) the person murders more than one person:

(A) during the same criminal transaction; or

(B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; or

(8) the person murders an individual under six years of age.

SECTION 2. Section 22.07, Penal Code, is amended to read as follows:

Sec. 22.07. TERRORISTIC THREAT. (a) A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to:

(1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;

(2) place any person in fear of imminent serious bodily injury; [~~or~~]

(3) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; ~~or~~

(4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;

(5) place the public or a substantial group of the public in fear of serious bodily injury; or

(6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

(b) An offense under Subdivision (1) or (2) of Subsection (a) is a Class B misdemeanor. An offense under Subdivision (3) of Subsection (a) is a Class A misdemeanor. An offense under Subdivision (4), (5), or (6) of Subsection (a) is a felony of the third degree.

SECTION 3. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2003.

Representative Keel moved to adopt the conference committee report on **HB 11**.

The motion prevailed.

(B. Brown in the chair)

HR 1468 - ADOPTED

(by Allen)

The following privileged resolution was laid before the house:

HR 1468

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 9**, relating to homeland security, to consider and take action on the following matter:

House Rule 13, Section 9(a)(1) is suspended to permit the committee to change the effective date of the bill to read as follows:

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Explanation: This change is necessary to allow the bill to take effect immediately.

HR 1468 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE NORIEGA: Do we not already have homeland security in effect?

REPRESENTATIVE FLORES: Yes.

NORIEGA: The reason I ask is, as I was sharing with you earlier, we have a coordinator for homeland security at this time appointed by the governor. Do we not?

FLORES: That is correct.

NORIEGA: And I'm not sure, I think post 9-11 that coordinator was designated by the governor of this state. Is that not correct?

FLORES: That is correct.

NORIEGA: And most recently, he has been the coordinator of other activities in the state as it applies to, or many activities in the state, as it applies to homeland security. Would you agree with that?

FLORES: That is correct.

NORIEGA: Most recently, the period between May 12 and May 14, he was involved in homeland security activities. Are you aware?

FLORES: Yes, I am aware of that.

REMARKS ORDERED PRINTED

Representative Noriega moved to print remarks between Representative Noriega and Representative Flores.

The motion prevailed without objection.

HR 1468 was adopted.

HB 555 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Chisum submitted the following conference committee report on **HB 555** :

Austin, Texas, May 29, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 555** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Armbrister
Staples
Lindsay
Harris
Fraser

Chisum
W. Smith
Kuempel
Gutierrez

On the part of the senate

On the part of the house

HB 555, A bill to be entitled An Act relating to notice requirements for certain portable facilities under the Clean Air Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.056, Health and Safety Code, is amended by amending Subsection (r) and adding Subsection (s) to read as follows:

(r) This section does not apply to:

(1) the relocation or change of location of a portable facility to a site where a portable facility ~~[permitted by the commission is located if no portable facility]~~ has been located at the proposed site at any time during the previous two years; or

(2) a facility located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project.

(s) For any permit application subject to this section, the measurement of distances to determine compliance with any location or distance restriction required by this chapter shall be taken toward structures that are in use as of the date that the application is filed with the commission.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Representative Chisum moved to adopt the conference committee report on **HB 555**.

A record vote was requested.

The motion prevailed by (Record 886): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.(C); Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee;

Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent — Hegar; Howard.

SB 283 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Chisum submitted the conference committee report on **SB 283**.

Representative Chisum moved to adopt the conference committee report on **SB 283**.

The motion prevailed.

HB 3420 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Garza submitted the following conference committee report on **HB 3420** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3420** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lucio	Guillen
Harris	Griggs
Madla	Garza

On the part of the senate	On the part of the house
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HB 3420, A bill to be entitled An Act relating to a set-aside for certain colonia access roadway projects proposed by rural border counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1403, Government Code, is amended by adding Sections 1403.003 and 1403.004 to read as follows:

Sec. 1403.003. SET-ASIDE FOR COLONIAS LOCATED IN RURAL BORDER COUNTIES. (a) In this section:

(1) "Border colonia" means a border colonia as defined by commission rule under Section 1403.002.

(2) "Rural border county" means a county that:

(A) has a population of less than 55,000; and

(B) is adjacent to an international border.

(3) "Set-aside" means a reservation of a portion of the proceeds from the sale of general obligation bonds and notes under this chapter to provide financial assistance for specific colonia access roadway projects proposed by rural border counties.

(b) The authority shall set aside an amount equal to 10 percent of the proceeds from each sale of general obligation bonds and notes under this chapter to provide financial assistance for colonia access roadway projects designed to pave roads serving border colonias located in rural border counties.

(c) The authority, as directed by the Texas Department of Transportation, shall provide a grant from the set-aside on a priority basis to a rural border county that proposes to pave for the first time a road serving a border colonia located in that county.

Sec. 1403.004. USE OF GRANTS FOR PROJECT MATERIALS OR EQUIPMENT. A grant under this chapter may be used to purchase any materials or to lease any equipment as reasonably necessary to accomplish the goal of the project. Materials purchased as permitted by this section must be used solely in connection with the project. Equipment leased as permitted by this section must be used substantially in connection with the project throughout the period of the applicable lease.

SECTION 2. The change in law made by this Act applies to proceeds from the sale of general obligation bonds and notes that are distributed under Chapter 1403, Government Code, as amended by this Act, on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Representative Garza moved to adopt the conference committee report on **HB 3420**.

A record vote was requested.

The motion prevailed by (Record 887): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.(C); Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer;

McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent — Dunnam; Marchant; Wohlgemuth.

HCR 281 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 281**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 281, Recognizing Mineola as the Birding Capital of East Texas.

HCR 281 was adopted without objection.

SB 117 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hope submitted the conference committee report on **SB 117**.

Representative Hope moved to adopt the conference committee report on **SB 117**.

The motion prevailed.

HB 1454 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Eiland submitted the following conference committee report on **HB 1454** :

Austin, Texas, May 28, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1454** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Janek
Brimer
Lindsay
Gallegos
Carona
On the part of the senate

Eiland
McCall
Thompson
Casteel
Griggs
On the part of the house

HB 1454, A bill to be entitled An Act relating to powers of a property owners' association relating to restrictive covenants in certain subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 204.002(a), Property Code, is amended to read as follows:

(a) This chapter applies only to a residential real estate subdivision, excluding a condominium development governed by Title 7, Property Code, that is located in whole or in part:

(1) in a county with a population of 2.8 million or more; or

(2) in a county with a population of 250,000 or more that is adjacent to the Gulf of Mexico and that is adjacent to a county having a population of 2.8 million or more.

SECTION 2. This Act takes effect September 1, 2003.

Representative Eiland moved to adopt the conference committee report on **HB 1454**.

The motion prevailed.

HCR 103 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Eiland called up with senate amendments for consideration at this time,

HCR 103, A resolution memorializing the United States government to improve the enforcement of food import restrictions on seafood imports.

On motion of Representative Eiland, the house concurred in the senate amendments to **HCR 103**.

Senate Committee Substitute

WHEREAS, Imports of seafood from countries that use substances in aquaculture such as chloramphenicol, nitrofurans, and other veterinary drugs banned for such use in the United States pose potential threats to United States consumers; and

WHEREAS, The State of Texas is concerned about the use of certain antibiotics and other banned veterinary drugs in shrimp imported from outside of the United States for consumption in the State of Texas; chloramphenicol, a potent antibiotic, can cause severe toxic effects in humans, including hypoplastic anemia, which is usually irreversible and fatal; and

WHEREAS, Because of such human health impacts, chloramphenicol, nitrofurans, and similar veterinary drugs are not approved for use in food-producing animals in the United States; and

WHEREAS, Other countries, including Thailand, Vietnam, and China have been found to use these drugs in the aquaculture of shrimp and other seafood; and

WHEREAS, The United States imports over 400,000 metric tons of shrimp annually, and Thailand, Vietnam, and China are the largest, second largest, and fifth largest exporter of shrimp to the United States, respectively; and

WHEREAS, On detection of chloramphenicol in certain shipments of seafood from China and other countries through the use of testing protocols that can detect such substances to 0.3 parts per billion, the European Union and Canada severely restricted imports of shrimp and other food from these countries in 2002; and

WHEREAS, The federal Food and Drug Administration inspects only two percent of all seafood imports into the United States and uses a testing procedure that cannot detect the presence of chloramphenicol below one part per billion; and

WHEREAS, United States-based companies involved in the importing and processing of shrimp are opposed to the use of chloramphenicol and are working with the domestic shrimp industry and the FDA to develop effective protocols to detect banned antibiotics and to exclude all tainted products from the United States market; and

WHEREAS, Although the federal Food and Drug Administration tests of imported food did not detect chloramphenicol in shrimp imported from China and other countries in 2002, independent testing performed by or for Alabama, Florida, Louisiana, Mississippi, and Texas detected chloramphenicol in samples of imported shrimp from those countries at levels harmful to human health; and

WHEREAS, The denial of entry to the European Union and Canada of contaminated shrimp and other products will likely redirect those contaminated products to the United States; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby express concern about the presence of chloramphenicol, nitrofurans, and other banned veterinary drugs in imported shrimp, the potential adverse impact on the safety of the food supply, and the resultant risk to human health, and call for the FDA to continue working with both importers and domestic stakeholders to develop effective methods to detect and exclude seafood imports containing chloramphenicol, nitrofurans, and other banned veterinary drugs; and, be it further

RESOLVED, That the 78th Legislature of the State of Texas hereby call for immediate and focused actions by the United States government to improve the enforcement of food import restrictions on seafood imports containing chloramphenicol, nitrofurans, and other banned veterinary drugs in order to ensure the safety of the food supply and to protect consumers in the United States and, in particular, in Texas.

SB 277 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Chisum submitted the conference committee report on **SB 277**.

Representative Chisum moved to adopt the conference committee report on **SB 277**.

The motion prevailed.

(Speaker in the chair)

SB 340 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hill submitted the conference committee report on **SB 340**.

Representative Hill moved to adopt the conference committee report on **SB 340**.

The motion prevailed.

SB 894 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Grusendorf submitted the conference committee report on **SB 894**.

Representative Grusendorf moved to adopt the conference committee report on **SB 894**.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 55).

**HR 1713 - ADOPTED
(by Solomons)**

The following privileged resolution was laid before the house:

HR 1713

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 1493**, relating to the foreclosure of property and the authority of a mortgage servicer to administer the foreclosure on behalf of a mortgagee, to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text that is not in disagreement in Section 51.009, Property Code, as added by the bill, by adding the phrase "except as to warranties of title", so that the section reads as follows:

Sec. 51.009. FORECLOSED PROPERTY SOLD "AS IS." A purchaser at a sale of real property under Section 51.002:

(1) acquires the foreclosed property "as is" without any expressed or implied warranties, except as to warranties of title, and at the purchaser's own risk; and

(2) is not a consumer.

Explanation: The changed text is necessary to clarify that any warranties of title granted in a foreclosure sale under Section 51.002, Property Code, are valid.

HR 1713 was adopted without objection.

HR 1706 - ADOPTED
(by Giddings)

The following privileged resolution was laid before the house:

HR 1706

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 473**, relating to assisting consumers to prevent identity theft; providing penalties, to consider and take action on the following matter:

(1) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add new text to Section 35.58, Business & Commerce Code, as added by the bill, so that the section reads as follows:

Sec. 35.58. CONFIDENTIALITY OF SOCIAL SECURITY NUMBER. (a) A person, other than government or a governmental subdivision or agency, may not:

(1) intentionally communicate or otherwise make available to the general public an individual's social security number;

(2) display an individual's social security number on a card or other device required to access a product or service provided by the person;

(3) require an individual to transmit the individual's social security number over the Internet unless the connection with the Internet is secure or the number is encrypted;

(4) require an individual's social security number for access to an Internet website, unless a password or unique personal identification number or other authentication device is also required for access; or

(5) print an individual's social security number on any materials, except as provided by Subsection (f), that are sent by mail, unless state or federal law requires that the individual's social security number be included in the materials.

(b) A person that is using an individual's social security number before January 1, 2005, in a manner prohibited by Subsection (a) may continue that use if:

(1) the use is continuous; and

(2) the person provides annual disclosure to the individual, beginning January 1, 2006, stating that on written request from the individual the person will cease to use the individual's social security number in a manner prohibited by Subsection (a).

(c) A person, other than government or a governmental subdivision or agency, may not deny services to an individual because the individual makes a written request under Subsection (b).

(d) If a person receives a written request from an individual directing the person to stop using the individual's social security number in a manner prohibited by Subsection (a), the person shall comply with the request not later than the 30th day after the date the request is received. The person may not impose a fee or charge for complying with the request.

(e) This section does not apply to:

(1) the collection, use, or release of a social security number that is required by state or federal law, including Chapter 552, Government Code;

(2) the use of a social security number for internal verification or administrative purposes;

(3) documents that are recorded or required to be open to the public under Chapter 552, Government Code;

(4) court records; or

(5) an institution of higher education if the use of a social security number by the institution is regulated by Chapter 51, Education Code, or another provision of the Education Code.

(f) Subsection (a)(5) does not apply to an application or form sent by mail, including a document sent:

(1) as part of an application or enrollment process;

(2) to establish, amend, or terminate an account, contract, or policy; or

(3) to confirm the accuracy of a social security number.

Explanation: The addition is necessary to establish a date on which disclosure to an individual concerning use of the individual's social security number must begin, to allow institutions of higher education to use an individual's social security number to comply with provisions of the Education Code, and to provide that a person who receives a request to stop using an individual's social security number must honor that request free of charge by a certain time.

(2) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add a new Subsection (f) to SECTION 10 of the bill, to read as follows:

(f) An institution of higher education that is not subject to the exemption prescribed by Section 35.58(e)(5), Business & Commerce Code, as added by this Act, shall begin acting in compliance with Section 35.58, Business & Commerce Code, as added by this Act, on or before September 1, 2007.

Explanation: The added text is necessary to explain when institutions of higher education must comply with Section 35.58, Business & Commerce Code.

HR 1706 was adopted without objection.

HR 1694 - ADOPTED
(by Morrison, et al.)

The following privileged resolution was laid before the house:

HR 1694

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3015**, relating to the tuition and fees charged to students of institutions of higher education, to

financial assistance funded by tuition, and to reports of availability and access by institutions of higher education, to consider and take action on the following matter:

House Rule 13, Sections 9(a)(1) and (4), are suspended to permit the conference committee to include the following text:

SECTION 2. Sections 54.0513(a) and (b), Education Code, are amended to read as follows:

(a) ~~[The building use fee previously authorized in Section 55.16 of this code is redesignated as tuition.]~~

~~(b) [In addition to amounts that a governing board of an institution of higher education is authorized to charge as tuition under the other provisions of this chapter, the governing board, under the terms the governing board considers appropriate, may [is authorized to] charge any student an amount designated as tuition that the governing board considers necessary for the effective operation of the institution [in an academic year an amount not to exceed the amount charged under Sections 54.051 or 54.0512, as applicable, in that academic year].~~

Explanation: The change is necessary to permit public institutions of higher education to charge tuition at appropriate rates.

A record vote was requested.

HR 1694 was adopted by (Record 888): 103 Yeas, 39 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dutton; Eiland; Eissler; Elkins; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Rose; Seaman; Smith, T.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Ellis; Escobar; Farrar; Gallego; Garza; Giddings; Guillen; Haggerty; Hochberg; Hodge; Jones, J.; Laney; Mabry; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Telford; Thompson; Turner; Wise.

Absent — Canales; Capelo; Hilderbran; Homer; Isett; Keffer, J.; Smith, W.; Smithee.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 888. I intended to vote no.

Christian

I was shown voting yes on Record No. 888. I intended to vote no.

Hamilton

When Record No. 888 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 888. I intended to vote no.

Hughes

When Record No. 888 was taken, I was in the house but away from my desk. I would have voted no.

Isett

I was shown voting yes on Record No. 888. I intended to vote no.

Paxton

I was shown voting no on Record No. 888. I intended to vote yes.

Solis

REASONS FOR VOTE

I am opposed to the deregulation of college tuition without further study, but I am forced to vote for the deregulation of college tuition in **HR 1694**. Because of the way the funding formula is proposed, the community colleges in San Antonio and especially St. Philip's College in my district will lose approximately \$60 million in funding if this bill does not pass.

McClendon

I voted "aye" on **HR 1694** to support flexible tuition for higher education primarily to help more fully fund community colleges during this biennium. It is my greatest desire that every Texan be afforded the opportunity to attend a school of higher education and achieve the highest degree they desire at an affordable price. I'm pleased that we have a select committee and an interim study on this vitally important issue.

Chisum

R. Cook

Hopson

McReynolds

I voted "aye" on **HR 1694** to support flexible tuition primarily to help more fully fund SWT, the other state system schools, and community colleges during this biennium.

It's my greatest desire that every Texan be afforded the opportunity to attend a school of higher education and achieve the highest degree they desire at an affordable price. I'm pleased that we have a select committee and an interim study on this vitally important issue.

Rose

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Smithee on motion of Goolsby.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Chisum in the chair)

HR 1765 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 1765**, suspending the limitations on the conferees for **SB 1000**.

HB 1278 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Zedler called up with senate amendments for consideration at this time,

HB 1278, A bill to be entitled An Act relating to an exemption from ad valorem taxation for property owned or used by a religious organization for purposes of expanding a religious facility or constructing a new religious facility and to municipal platting requirements and zoning regulations applicable to certain property owned or used by a religious organization.

Representative Zedler moved to discharge the conferees and concur in the senate amendments to **HB 1278**.

A record vote was requested.

The motion prevailed by (Record 889): 134 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Casteel; Castro; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Ellis; Escobar; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.;

Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Canales; Elkins; Howard; Phillips.

Present, not voting — Mr. Speaker; Chisum(C).

Absent, Excused — Smithee.

Absent — Campbell; Edwards; Farabee; Hartnett; Hilderbran; Hill; Hope; Mercer; Reyna.

STATEMENT OF VOTE

When Record No. 889 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

Senate Committee Substitute

HB 1278, A bill to be entitled An Act relating to an exemption from ad valorem taxation for property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.20, Tax Code, is amended by amending Subsection (a) and adding Subsections (h) and (i) to read as follows:

(a) An organization that qualifies as a religious organization as provided by Subsection (c) ~~[of this section]~~ is entitled to an exemption from taxation of:

(1) the real property that is owned by the religious organization, is used primarily as a place of regular religious worship, and is reasonably necessary for engaging in religious worship;

(2) the tangible personal property that is owned by the religious organization and is reasonably necessary for engaging in worship at the place of worship specified in Subdivision (1) ~~[of this subsection]~~;

(3) the real property that is owned by the religious organization and is reasonably necessary for use as a residence (but not more than one acre of land for each residence) if the property:

(A) is used exclusively as a residence for those individuals whose principal occupation is to serve in the clergy of the religious organization; and

(B) produces no revenue for the religious organization;

(4) the tangible personal property that is owned by the religious organization and is reasonably necessary for use of the residence specified by Subdivision (3) ~~[of this subsection]~~; ~~[and]~~

(5) the real property owned by the religious organization consisting of:

(A) an incomplete improvement that is under active construction or other physical preparation and that is designed and intended to be used by the religious organization as a place of regular religious worship when complete; and

(B) the land on which the incomplete improvement is located that will be reasonably necessary for the religious organization's use of the improvement as a place of regular religious worship;

(6) the land that the religious organization owns for the purpose of expansion of the religious organization's place of regular religious worship or construction of a new place of regular religious worship if:

(A) the religious organization qualifies other property, including a portion of the same tract or parcel of land, owned by the organization for an exemption under Subdivision (1) or (5); and

(B) the land produces no revenue for the religious organization;
and

(7) the real property owned by the religious organization that is leased to another person and used by that person for the operation of a school that qualifies as a school under Section 11.21(d).

(h) A tract of land that is contiguous to the tract of land on which the religious organization's place of regular religious worship is located may not be exempted under Subsection (a)(6) for more than six years. A tract of land that is not contiguous to the tract of land on which the religious organization's place of regular religious worship is located may not be exempted under Subsection (a)(6) for more than three years. For purposes of this subsection, a tract of land is considered to be contiguous with another tract of land if the tracts are divided only by a road, railroad track, river, or stream.

(i) For purposes of Subsection (a)(6), an application or statement accompanying an application for the exemption stating that the land is owned for the purposes described by Subsection (a)(6) and signed by an authorized officer of the organization is sufficient to establish that the land is owned for those purposes.

SECTION 2. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.201 to read as follows:

Sec. 11.201. ADDITIONAL TAX ON SALE OF CERTAIN RELIGIOUS ORGANIZATION PROPERTY. (a) If land is sold or otherwise transferred to another person in a year in which the land receives an exemption under Section 11.20(a)(6), an additional tax is imposed on the land equal to the tax that would have been imposed on the land had the land been taxed for each of the five years preceding the year in which the sale or transfer occurs in which the land received an exemption under that subsection, plus interest at an annual rate of seven percent calculated from the dates on which the taxes would have become due.

(b) A tax lien attaches to the land on the date the sale or transfer occurs to secure payment of the tax and interest imposed by this section and any penalties incurred. The lien exists in favor of all taxing units for which the tax is imposed.

(c) If only part of a parcel of land that is exempted under Section 11.20(a)(6) is sold or transferred, the tax applies only to that part of the parcel and equals the taxes that would have been imposed had that part been taxed.

(d) The assessor for each taxing unit shall prepare and deliver a bill for the additional taxes plus interest as soon as practicable after the sale or transfer occurs. The taxes and interest are due and become delinquent and incur penalties and interest as provided by law for ad valorem taxes imposed by the taxing unit if not paid before the next February 1 that is at least 20 days after the date the bill is delivered to the owner of the land.

(e) The sanctions provided by Subsection (a) do not apply if the sale or transfer occurs as a result of:

(1) a sale for right-of-way;

(2) a condemnation;

(3) a transfer of property to the state or a political subdivision of the state to be used for a public purpose; or

(4) a transfer of property to a religious organization that qualifies the property for an exemption under Section 11.20 for the tax year in which the transfer occurs.

SECTION 3. This Act takes effect January 1, 2004, and applies only to a tax year that begins on or after that date, but only if the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, to authorize the legislature to exempt from ad valorem taxation property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

(Solomons in the chair)

HR 1757 - ADOPTED
(by Chisum)

The following privileged resolution was laid before the house:

HR 1757

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 1538**, relating to the continuation and functions of the Texas Funeral Service Commission, including certain functions transferred to the commission from the Texas Department of Health, and the powers and duties of the Texas Finance Commission and the banking commissioner of Texas regarding cemeteries; providing administrative and civil penalties, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add SECTIONS 30 and 31 to the bill to read as follows:

SECTION 30. The heading to Subchapter N, Chapter 651, Occupations Code, is amended to read as follows:

SUBCHAPTER N. LICENSING ~~[REGISTRATION]~~ REQUIREMENTS:
~~[CEMETERIES AND]~~ CREMATORIES

SECTION 31. Section 651.652(a), Occupations Code, is amended to read as follows:

(a) This subchapter applies only to a ~~[cemetery or]~~ crematory that sells goods or services related to the burial or final disposition of a body.

Explanation: These changes are necessary to resolve unintentional conflicts between this bill and enrolled and signed **HB 587**, 78th Legislature, Regular Session, 2003. The added sections remove cemetery language to conform to this bill.

House Rule 13, Section 9(a)(1), is suspended to permit the committee to change SECTION 44 of the bill to read as follows:

SECTION 44. On March 1, 2004, Sections 651.652(b), 651.653, 651.654, and 651.655, Occupations Code, are repealed.

Explanation: The bill repealed all of Subchapter N, Chapter 651, Occupations Code, which unintentionally conflicts with enrolled and signed **HB 587**, 78th Legislature, Regular Session, 2003. The revised section repeals only those sections that do not conflict with the purposes of either bill.

HR 1757 was adopted.

HR 1739 - ADOPTED
(by Hill)

The following privileged resolution was laid before the house:

HR 1739

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3184**, relating to the financing, construction, improvement, maintenance, and operation of toll facilities by the Texas Department of Transportation, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new section to the bill to read as follows:

SECTION __. (a) Section 456.022, Transportation Code, is amended to read as follows:

Sec. 456.022. FORMULA ALLOCATION ~~[BY CATEGORIES]~~. The commission shall adopt rules establishing a formula allocating funds among individual eligible public transportation providers. The formula may take into account a transportation provider's performance, the number of its riders, the need of residents in its service area for public transportation, population, population density, land area, and other factors established by the commission.
~~[Under the formula program the commission shall allocate:~~

~~[(1) 50 percent of the money to municipalities that are:~~

~~[(A) designated recipients in urbanized areas or transit providers eligible under Section 456.003 and not served by a transit authority; and~~

~~[(B) designated recipients that are not included in a transit authority but are located in urbanized areas that include one or more transit authorities and received state transit funding during the biennium that ended August 31, 1997; and~~

~~[(2) 50 percent of the money to designated recipients in nonurbanized areas.]~~

(b) Section 456.024, Transportation Code, is repealed.

(c) This section takes effect September 1, 2004.

Explanation: This addition is necessary to allow the Texas Transportation Commission to establish a formula for distribution of state grants to public transportation providers.

HR 1739 was adopted.

HR 1478 - ADOPTED (by Chisum)

The following privileged resolution was laid before the house:

HR 1478

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 287**, relating to changing the composition of certain state agency governing bodies with an even number of members to comply with the changes made to Section 30a, Article XVI, Texas Constitution, to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add new text to Section 651.008(a), Government Code, as added by the bill, so that Subsection (a) reads as follows:

(a) This section applies to the governing body of a state board or commission or other state agency only if:

(1) by statute the governing body is composed of an even number of voting members, the appointed members of whom serve staggered six-year terms; and

(2) there is no provision of the Texas Constitution under which the governing body is allowed to be composed in that manner and serve staggered six-year terms.

Explanation: The added text is necessary to clarify in Subsection (a)(2) that the length of the members' terms, as well as the composition of the governing body, must comply with applicable constitutional provisions.

(2) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add a new Section 651.0085, Government Code, to the bill to read as follows:

Sec. 651.0085. CERTAIN UNCONSTITUTIONALLY COMPOSED DISTRICTS AND AUTHORITIES WITH SIX-YEAR TERMS. (a) This section applies only to the governing body of a district or authority created under Section 52(b), Article III, Texas Constitution, or Section 59, Article XVI, Texas Constitution, and only if:

(1) by law the governing body is composed of an even number of voting members; and

(2) the elected or appointed members of the governing body serve staggered six-year terms and the only provision of the Texas Constitution under which the members of the governing body are allowed to serve staggered six-year terms is Section 30a, Article XVI.

(b) Section 651.008 does not apply to a district or authority to which this section applies.

(c) Notwithstanding the terms of the enabling statute of the district or authority that prescribes the number of members of the governing body:

(1) if some or all of the members of the governing body are appointed, the governor shall appoint an additional public or at-large member, as applicable, to the governing body for an initial term expiring on the date on which the terms of members of the governing body whose terms are scheduled to expire between four and six years after the date of the governor's appointment under this subdivision expire; and

(2) if all of the members of the governing body are elected, an additional public or at-large elected position, as applicable, is created on the governing body and the governor shall appoint the initial member to fill that position for an initial term expiring on the first date on which members' terms expire following the next election for members of the governing body.

(d) As soon as possible after it is determined that this section applies to the governing body, the administrative head of the district or authority shall inform of that fact:

(1) each appointing authority that by statute appoints one or more members to the governing body;

(2) the governor and the presiding officer of each house of the legislature;

(3) each standing committee of each house of the legislature that under the rules of either house has jurisdiction over legislative matters pertaining to the district or authority;

(4) the secretary of state, if the governing body is subject to Subsection (c)(2), for purposes of allowing the secretary of state to advise the district or authority on matters relating to preclearance under the federal Voting Rights Act (42 U.S.C. Section 1973c et seq.); and

(5) the Legislative Reference Library for purposes of including current information in the Texas Appointment System database.

(e) If the governor appoints a member to the governing body of the district or authority under Subsection (c)(1) and the legislature does not, by law, make other arrangements for electing or appointing a person to fill the position, the governor shall continue to appoint a member to fill the position as vacancies in

the position occur and as a member's term in the position expires. If the governor appoints a member to the governing body of the district or authority under Subsection (c)(2) and the legislature does not, by law, make other arrangements for electing or appointing a person to fill the position, the position shall be filled by election as vacancies in the position occur and as a member's term in the position expires, except to the extent that the enabling statute for the district or authority provides a different method for filling vacancies on the governing body.

(f) After the initial term of a position created under this section expires, the term of the position is six years.

Explanation: The added text is necessary to allow districts and authorities created under Section 52(b), Article III, Texas Constitution, or Section 59, Article XVI, Texas Constitution, such as river authorities, that have a governing body composed of an even number of members who serve staggered six-year terms and that depend on Section 30a, Article XVI, Texas Constitution, for the constitutional authority to have the members of the governing body serve six-year terms, to come into compliance with the changes made to Section 30a, Article XVI.

(3) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add text to the introductory language to the SECTION of the bill adding Sections 651.008, 651.0085, and 651.009 to the Government Code so that the introductory language reads as follows:

SECTION 50.01. Chapter 651, Government Code, is amended by adding Sections 651.008, 651.0085, and 651.009 to read as follows:

Explanation: The added text is necessarily connected with adding Section 651.0085, Government Code, to the bill.

HR 1478 was adopted.

HR 1754 - ADOPTED **(by Homer)**

The following privileged resolution was laid before the house:

HR 1754

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2593**, relating to winery permits, to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(1) is suspended to permit the committee to add "Except as provided by Section 16.011," to amended Section 16.01(a), Alcoholic Beverage Code.

Explanation: The language is necessary to clarify that there is an exception to a winery's authorized activities and to conform to language added by the bill relating to the authorized activities of a winery located in a dry area.

(2) House Rule 13, Sections 9(a)(1) and (2) are suspended to permit the committee to amend and omit text to Section 16.011, Alcoholic Beverage Code, as added by the bill, so that the section reads as follows:

Sec. 16.011. PREMISES IN DRY AREA. A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election. A holder of a permit under this section may engage in any activity authorized under Section 16.01 except that the permit holder may sell or dispense wine under that section only if the wine is:

(1) manufactured in this state; and

(2) at least 75 percent by volume fermented juice of grapes or other fruit grown in this state.

Explanation: The change is necessary to authorize wineries located in a dry area of the state to engage in the same activities, except for selling wine, as wineries located in wet areas of the state.

(3) House Rule 13, Sections 9(a)(1) and (2) are suspended to permit the committee to amend Section 4 of the bill, so that the section reads as follows:

SECTION 4. This Act takes effect on the date on which the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, authorizing the legislature to authorize and govern the operation of wineries in this state takes effect. If that amendment is not approved by the voters, this Act has no effect.

Explanation: The change is necessary to conform the language to the language in the constitutional amendment that must be approved in order for the bill to take effect.

HR 1754 was adopted.

SB 1771 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative J. Keffer, the house granted the request of the senate for the appointment of a conference committee on **SB 1771**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1771**: J. Keffer, chair; Homer; Thompson; Hughes; and Bonnen.

SB 1678 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Allen, the house granted the request of the senate for the appointment of a conference committee on **SB 1678**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1678**: Allen, chair; Hodge; Talton; Kolkhorst; and Ellis.

(Pickett in the chair)

HR 1755 - ADOPTED (by B. Brown)

The following privileged resolution was laid before the house:

HR 1755

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3622**, relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 1 of Kaufman County, to consider and take action on the following matter:

House Rule 13, Sections 9(a)(1) and (3) are suspended to permit the committee to amend Section 15(a) of the bill to read as follows:

(a) This Act takes effect on the date on or after September 1, 2003, on which a settlement agreement between the City of Crandall and the developer of the districts is legally executed regarding a pending petition before the Texas Commission on Environmental Quality for the right to provide retail water service to certain areas within the districts. If the settlement agreement is legally executed before September 1, 2003, this Act takes effect September 1, 2003.

Explanation: This change is necessary to ensure that the bill takes effect on a more appropriate date.

HR 1755 was adopted.

**HB 109 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Chavez called up with senate amendments for consideration at this time,

HB 109, A bill to be entitled An Act relating to customs brokers.

Representative Chavez moved to discharge the conferees and concur in the senate amendments to **HB 109**.

The motion prevailed.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 109** (Senate Committee Printing) by adding the following appropriately numbered SECTIONS and renumbering the SECTIONS of the bill appropriately:

SECTION __. Subtitle Z, Title 3, Finance Code, is amended by adding Chapter 278 to read as follows:

CHAPTER 278. REGULATION OF CURRENCY TRANSMISSIONS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 278.001. DEFINITIONS. In this chapter:

(1) "Currency" has the meaning assigned by Section 153.001.

(2) "Currency transmission business" means engaging in or offering currency transmission as a service or for profit. The term does not include:

(A) a federally insured financial institution, as defined by Section 201.101, that is organized under the laws of this state, another state, or the United States; or

(B) a title insurance company or title insurance agent, as defined by Article 9.02, Insurance Code.

(3) "Currency transmission" means receiving currency or an instrument payable in currency in order to transmit the currency or its equivalent by wire, computer modem, facsimile, physical transport, or any other means or through the use of a financial intermediary, the Federal Reserve System, or another funds transfer network.

(4) "Fee" does not include revenue that a currency transmission business generates in connection with a currency transmission in the conversion of a currency of one government into the currency of another government.

[Sections 278.002-278.050 reserved for expansion]

SUBCHAPTER B. CURRENCY TRANSMISSION DISCLOSURES

Sec. 278.051. DISCLOSURES WITH TRANSACTION. (a) Other than in a telephonic transaction conducted on a telephone that is not designated for use in currency transmission transactions by a currency transmission business, at the time of a currency transmission transaction to another country the currency transmission business shall provide a receipt to the customer. The receipt must:

(1) clearly state the amount of currency presented for transmission and any fees charged by the currency transmission business; and

(2) provide a toll-free telephone number or a local number that a customer can access at no charge to receive information about a currency transmission.

(b) If the rate of exchange for a currency transmission to be paid in the currency of another country is fixed by the currency transmission business for a transaction at the time the currency transmission is initiated, the receipt must also disclose:

(1) the rate of exchange for that transaction;

(2) the amount to be paid in the foreign currency; and

(3) the period, if any, in which the payment must be made in order to qualify for the fixed rate of exchange.

(c) If the rate of exchange for a currency transmission to be paid in the currency of another country is not fixed at the time the currency transmission is initiated, the receipt must also disclose that the rate of exchange for the transaction will be set at the time the recipient of the currency transmission receives the funds in the foreign country.

(d) If the customer requests, the currency transmission business must provide the required disclosures before completing the transaction.

Sec. 278.052. CANCELLATION AND REFUND OF TRANSACTION. (a) Except as provided by Subsection (c), on receiving the transaction receipt required under Section 278.051, a customer may cancel the currency transaction:

(1) before leaving the premises of the currency transmission business; and

(2) not later than 30 minutes after the time at which the currency transmission was initiated.

(b) If the customer cancels the transaction, the currency transmission business shall immediately refund to the customer the fees paid and currency to be transmitted.

(c) A customer may not cancel a transaction after the recipient of the currency transmission has received the currency or its equivalent.

Sec. 278.053. LANGUAGE OF DISCLOSURE. A currency transmission business shall make the disclosures required by this chapter in English and, if the currency transmission is to a country where Spanish is widely spoken, in Spanish.

[Sections 278.054-278.100 reserved for expansion]

SUBCHAPTER C. ENFORCEMENT

Sec. 278.101. CIVIL PENALTY. (a) A person who knowingly violates this chapter is liable to the state for a civil penalty in an amount not to exceed \$1,000 for each violation. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring:

(1) a suit to recover the civil penalty imposed under this section; and

(2) an action in the name of the state to restrain or enjoin a person from violating this chapter.

(b) The attorney general or the prosecuting attorney in the county in which the violation occurs, as appropriate, is entitled to recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, under this section, including reasonable attorney's fees, court costs, and investigatory costs.

SECTION __. Chapter 278, Finance Code, as added by this Act, takes effect September 1, 2003.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 109** as follows:

(1) In SECTION 1 of the bill, amending Sec. 151.157(c), Tax Code (Committee Printing, page 1, line 43), strike "exemption certificates" and substitute "a certificate of export".

(2) In SECTION 1 of the bill, amending Sec. 151.157(e)(1), Tax Code (Committee Printing, page 2, line 19) after "issued" strike "exemption certificates" and substitute "certificates of export".

(3) In SECTION 1 of the bill, amending Sec. 151.157(e)(2), Tax Code, (Committee Printing, page 2, line 21), strike "exemption certificates" and substitute "certificates of export".

(4) In SECTION 1 of the bill, amending Sec. 151.157(f), Tax Code, (Committee Printing, page 2, line 24), strike "knowingly or intentionally".

(5) In SECTION 1 of the bill, amending Sec. 151.157, Tax Code, (Committee Printing, page 2, line 48), insert the following new subsections (h) and (i):

(h) Notwithstanding any other law, the filing of a petition to initiate judicial review does not vacate the comptroller decision that is the subject of review and does not affect the enforceability of that decision.

(i) The comptroller shall impose a penalty of \$500 for each occurrence on a customs broker who fails to file the report required by this section.

(6) In SECTION 4 of the bill, strike the amendment to Tax Code Sec. 151.307(e) (Committee Printing, page 4, lines 44-48).

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **HB 109**, in Section 3 of the bill, proposed Sec. 151.158(g) Tax Code, on Page 4, Line 13, by adding, "Customs brokers who return unused stamps to the Comptroller's Office on a quarterly basis, shall get credit towards the purchase of new stamps."

Senate Amendment No. 4 (Senate Floor Amendment No. 4)

Amend **HB 109**, in Section 2 of the bill, proposed Sec. 151.1575(G)(i) Tax Code, on Page 3, Line 26, by adding, "for those purchasers in a county not bordering the United Mexican States".

Senate Amendment No. 5 (Senate Floor Amendment No. 5)

Amend **HB 109**, in Section 1 of the bill, proposed Sec. 151.157 (a-1) Tax Code, on Page 1, Line 29, by adding "The comptroller shall provide an alternate method to prepare documentation to show the exemption of tangible personal property under Section 151.307(b)(2) in those instances when the password-protected website is unavailable due to technical or communication problems."

RECESS

Representative Flores moved that the house recess until 3:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 1:35 p.m., recessed until 3:30 p.m. today.

AFTERNOON SESSION

(Keel in the chair)

The house met at 3:30 p.m. and was called to order by the chair.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

HR 1772 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 1772**, suspending the limitations on the conferees for **SB 1952**.

**HR 1714 - ADOPTED
(by Farabee)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1714**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1714, In memory of Richard "Dick" O. Harris of Wichita Falls.

HR 1714 was unanimously adopted by a rising vote.

HR 1715 - ADOPTED
(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1715**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1715, In memory of Severiana "Sevi" Perez Sanchez of Wichita Falls.

HR 1715 was unanimously adopted by a rising vote.

HR 1745 - ADOPTED
(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1745**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1745, In memory of Dr. Ruth Ann Huffhines of Wichita Falls.

HR 1745 was unanimously adopted by a rising vote.

HR 1760 - ADOPTED
(by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1760**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1760, Recognizing the 2003 Jacksonville Tomato Festival.

HR 1760 was adopted without objection.

HR 1766 - ADOPTED
(by Luna)

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 1766**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1766, In memory of Dr. Xicotencatl "Xico" P. Garcia of Corpus Christi.

HR 1766 was unanimously adopted by a rising vote.

HR 1704 - ADOPTED
(by Dunnam)

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 1704**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1704, Honoring Sharon Cunningham on her retirement.

HR 1704 was adopted without objection.

HR 1761 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1761**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1761, Congratulating Lowe's on the grand opening of stores in Austin and Pflugerville.

HR 1761 was adopted without objection.

HR 1768 - ADOPTED
(by Pitts and Hochberg)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 1768**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1768, Honoring Dr. Peggy B. Smith of Houston for her accomplishments.

HR 1768 was adopted without objection.

HCR 282 - ADOPTED
(by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 282**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 282, Commending Warren B. Branch, D.D.S., on his professional accomplishments.

HCR 282 was adopted without objection.

HR 1769 - ADOPTED
(by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 1769**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1769, Honoring Dr. Gail Hartin on her retirement as principal of University Park Elementary School.

HR 1769 was adopted without objection.

HR 1721 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1721**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1721, Honoring Samuel Edward Pedraza for graduating from The University of Texas at Austin.

HR 1721 was adopted without objection.

HR 1722 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1722**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1722, Honoring the 2003 recipients of the Father Joe Znotas Memorial Scholarship Fund awards.

HR 1722 was adopted without objection.

HR 1737 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1737**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1737, Congratulating Audra Elizabeth Tafoya on her graduation from The University of Texas at Austin.

HR 1737 was adopted without objection.

HCR 280 - ADOPTED
(by Hamric)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HCR 280**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 280, Authorizing the lieutenant governor and the speaker to appoint interim joint committees.

HCR 280 was adopted without objection.

HR 1776 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 1776**, suspending the limitations on the conferees for **HB 727**.

HR 1765 - ADOPTED

(by Goodman)

The following privileged resolution was laid before the house:

HR 1765

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1000**, relating to a statistical or demographic analysis conducted by the Texas Legislative Council for a state agency and to information collected by the council in the course of performing the analysis, to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit the section of the bill that adds Section 2113.108, Government Code, which reads as follows:

SECTION 1. Subchapter C, Chapter 2113, Government Code, is amended by adding Section 2113.108 to read as follows:

Sec. 2113.108. CERTAIN STUDIES INVOLVING STATISTICAL OR DEMOGRAPHIC ANALYSIS. (a) A state agency may not use appropriated money to contract with a consultant or other nongovernmental entity to perform or assist the agency in performing a statistical or demographic analysis of information collected by or for the agency in the course of conducting a study that the agency is required to conduct under state law unless the agency first contacts the Texas Legislative Council to determine whether the resources of the council are available to perform or assist the agency in performing that analysis. For purposes of this section, performing a statistical or demographic analysis of information in the course of conducting a study includes designing the analysis and collecting the information required for purposes of the study.

(b) If the Texas Legislative Council determines that council resources are available to perform or assist the state agency in performing all or part of the statistical or demographic analysis, the agency must contract with the council to perform or assist the agency in performing that analysis to the extent that the council determines that council resources are available to the agency.

Explanation: It is necessary to omit the text to ensure that under the bill state agencies may, but are not required to, contract with the Texas Legislative Council to perform certain statistical or demographic analyses.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text in proposed Section 323.020, Government Code, so that Section 323.020(b) reads as follows:

(b) At the request of a state agency, the council may determine whether and the extent to which council resources are available to contract or otherwise agree with the agency to perform a statistical or demographic analysis of information for the agency or to assist the agency in performing the analysis. A reference in this section to performing an analysis includes assisting an agency to perform the analysis.

Explanation: It is necessary to alter the text to remove references to the omitted Section 2113.108 and to clarify that references to performing an analysis include references to assisting an agency to perform an analysis.

HR 1765 was adopted without objection.

HR 1759 - ADOPTED
(by Alonzo)

The following privileged resolution was laid before the house:

HR 1759

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 103**, relating to the carrying of weapons by peace officers and by special investigators, to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text that is not in disagreement by substituting "a recognized state" for "another state that allows peace officers commissioned in Texas to carry weapons in the other state" in Section 46.15(a), Penal Code, and by adding a new Subsection (g) to that section to read as follows:

(g) In this section, "recognized state" means another state with which the attorney general of this state, with the approval of the governor of this state, negotiated an agreement after determining that the other state:

(1) has firearm proficiency requirements for peace officers; and
(2) fully recognizes the right of peace officers commissioned in this state to carry weapons in the other state.

Explanation: This change is necessary to enable state officials to evaluate on a case-by-case basis state reciprocity with respect to the ability of out-of-state peace officers to carry weapons in this state.

HR 1759 was adopted without objection.

HR 1738 - ADOPTED
(by Hope)

The following privileged resolution was laid before the house:

HR 1738

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1639**, relating to regulation of spacing and production of groundwater from aquifers by a groundwater district, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add new sections to the bill to read as follows:

SECTION 2. Subchapter B, Chapter 11, Water Code, is amended by adding Sections 11.0235, 11.0236, and 11.0237 to read as follows:

Sec. 11.0235. POLICY REGARDING WATERS OF THE STATE. (a) The waters of the state are held in trust for the public, and the right to use state water may be appropriated only as expressly authorized by law.

(b) Maintaining the biological soundness of the state's rivers, lakes, bays, and estuaries is of great importance to the public's economic health and general well-being.

(c) The legislature has expressly required the commission while balancing all other interests to consider and provide for the freshwater inflows necessary to maintain the viability of the state's bay and estuary systems in the commission's regular granting of permits for the use of state waters.

(d) The legislature has not expressly authorized granting water rights exclusively for:

(1) instream flows dedicated to environmental needs or inflows to the state's bay and estuary systems; or

(2) other similar beneficial uses.

(e) The fact that greater pressures and demands are being placed on the water resources of the state makes it of paramount importance to reexamine the process for ensuring that these important priorities are effectively addressed in clear delegations of authority to the commission.

Sec. 11.0236. STUDY COMMISSION ON WATER FOR ENVIRONMENTAL FLOWS. (a) In recognition of the importance that the ecological soundness of our riverine, bay, and estuary systems and riparian lands has on the economy, health, and well-being of the state there is created the Study Commission on Water for Environmental Flows.

(b) The study commission is composed of 15 members as follows:

(1) two members appointed by the governor;

(2) five members appointed by the lieutenant governor;

(3) five members appointed by the speaker of the house of representatives;

(4) the presiding officer of the commission or the presiding officer's designee;

(5) the chairman of the board or the chairman's designee; and

(6) the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee.

(c) Of the members appointed under Subsection (b)(2):

(1) one member must represent a river authority or municipal water supply agency or authority;

(2) one member must represent an entity that is distinguished by its efforts in resource protection; and

(3) three members must be members of the senate.

(d) Of the members appointed under Subsection (b)(3):

(1) one member must represent a river authority or municipal water supply agency or authority;

(2) one member must represent an entity that is distinguished by its efforts in resource protection; and

(3) three members must be members of the house of representatives.

(e) Each appointed member of the study commission serves at the will of the person who appointed the member.

(f) The appointed senator with the most seniority and the appointed house member with the most seniority serve together as co-presiding officers of the study commission.

(g) A member of the study commission is not entitled to receive compensation for service on the study commission but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the study commission, as provided by the General Appropriations Act.

(h) The study commission may accept gifts and grants from any source to be used to carry out a function of the study commission.

(i) The commission shall provide staff support for the study commission.

(j) The study commission shall conduct public hearings and study public policy implications for balancing the demands on the water resources of the state resulting from a growing population with the requirements of the riverine, bay, and estuary systems including granting permits for instream flows dedicated to environmental needs or bay and estuary inflows, use of the Texas Water Trust, and any other issues that the study commission determines have importance and relevance to the protection of environmental flows. In evaluating the options for providing adequate environmental flows, the study commission shall take notice of the strong public policy imperative that exists in this state recognizing that environmental flows are important to the biological health of our parks, game preserves, and bay and estuary systems and are high priorities in the permitting process. The study commission shall specifically address ways that the ecological soundness of these systems will be ensured in the water allocation process.

(k) The study commission:

(1) shall appoint an advisory scientific committee that will:

(A) serve as impartial scientific advisors and reviewers for the study commission; and

(B) have a membership of no fewer than five and no more than nine total members chosen by the study commission to represent a variety of areas of relevant technical expertise;

(2) may appoint additional advisory committees to assist the study commission; and

(3) may draft proposed legislation to modify existing water-rights permitting statutes.

(l) Not later than December 1, 2004, the study commission shall issue a report summarizing:

(1) any hearings conducted by the study commission;

(2) any studies conducted by the study commission;

(3) any legislation proposed by the study commission; and

(4) any other findings and recommendations of the study commission.

(m) The study commission shall promptly deliver copies of the report to the governor, lieutenant governor, and speaker of the house of representatives.

(n) The study commission shall adopt rules to administer this section.

(o) The study commission is abolished and this section expires September 1, 2005.

Sec. 11.0237. WATER RIGHTS FOR INSTREAM FLOWS DEDICATED TO ENVIRONMENTAL NEEDS OR BAY AND ESTUARY INFLOWS.

(a) The commission may not issue a new permit for instream flows dedicated to environmental needs or bay and estuary inflows. This section does not prohibit the commission from issuing an amendment to an existing permit or certificate of adjudication to change the use to or add a use for instream flows dedicated to environmental needs or bay and estuary inflows.

(b) This section does not alter the commission's obligations under Section 11.042(b), 11.046(b), 11.085(k)(2)(F), 11.134(b)(3)(D), 11.147, 11.1491, 16.058, or 16.059.

(c) This section expires September 1, 2005.

SECTION 3. Subsections (d) and (e), Section 11.147, Water Code, are amended to read as follows:

(d) In its consideration of an application to store, take, or divert water, the commission shall include in the permit, to the extent practicable when considering all public interests, those conditions considered by the commission necessary to maintain ~~consider the effect, if any, of the issuance of the permit on~~ existing instream uses and water quality of the stream or river to which the application applies.

(e) The commission shall include in the permit, to the extent practicable when considering all public interests, those conditions considered by the commission necessary to maintain ~~also consider the effect, if any, of the issuance of the permit on~~ fish and wildlife habitats.

Explanation: This added text is necessary in order to provide for permitting of water rights for instream flows.

Amendment No. 1

Representative Villarreal offered the following amendment to **HR 1738**:

Amend **HR 1738**:

(1) strike SECTION 2 of the Resolution that add Sec. 11.0235 and Sec. 11.0237.

(2) add Sec. 11.0237 to SECTION 2 of the Resolution to read as follows:

The commission may not issue a new permit for any applicant. This section prohibits the commission from issuing any amendment to an existing permit or certificate of adjudication.

Representative Puente moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 890): 113 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Mabry; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; West; Wilson; Wong; Woolley; Zedler.

Nays — Burnam; Davis, Y.; Dunnam; Escobar; Farrar; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Quintanilla; Rodriguez; Rose; Turner; Villarreal; Wise.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Smithee.

Absent — Bailey; Coleman; Edwards; Goolsby; Grusendorf; Hochberg; Howard; Laney; Lewis; Marchant; Miller; Moreno, P.; Oliveira; Pickett; Smith, W.; Telford; Wohlgemuth; Wolens.

HR 1738 - POINT OF ORDER

Representative Villarreal raised a point of order against further consideration of **HR 1738** under Article III, Section 35 of the Texas Constitution on the grounds that the resolution would allow **SB 1639** to have more than one subject.

The point of order was withdrawn.

HR 1738 was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 56).

HR 1758 - ADOPTED
(by Denny)

The following privileged resolution was laid before the house:

HR 1758

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 1695**, relating to certain election processes and procedures, to consider and take action on the following matter:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text amending Sections 2.051(b) and 2.053(c), Election Code, that reads as follows:

[Sec. 2.051]

(b) In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, this subchapter applies to the election in a particular territorial unit ~~[single-member district]~~ if:

~~[(4)]~~ each candidate whose name is to appear on the ballot in that territorial unit ~~[district]~~ is unopposed and no at-large proposition or opposed at-large race is to appear on the ballot. This subchapter applies to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit~~[-and~~

~~[(2) the requirements prescribed by Subsection (a) are otherwise met].~~

[Sec. 2.053.]

(c) A certificate of election shall be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election.

Explanation: The omission of these sections is necessary since the amended sections are to be repealed by a previous enactment of the 78th Legislature.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new section amending Section 19.004, Election Code, to read as follows:

SECTION 10. Section 19.004, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), state ~~[State]~~ funds disbursed under this chapter may be used only to defray expenses of the registrar's office in connection with voter registration, including additional expenses related to:

(1) implementation of the National Voter Registration Act of 1993 (42 U.S.C. Section 1973gg et seq.); and

(2) complying with the weekly updating requirements prescribed by Section 18.063.

(d) If the secretary of state determines that federal matching funds are available under the federal Help America Vote Act of 2002, the secretary of state shall certify to the comptroller the amount of state funds required to qualify for

the maximum amount of federal matching funds. On receipt of the certification, the comptroller shall deposit from funds otherwise available under this chapter an amount equal to the certified amount in the election improvement fund established under Section 31.011.

Explanation: The addition of the new section is necessary to enable the state to be eligible to receive federal funds for election improvements beginning on September 1, 2003.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add new sections amending Sections 41.001(a), (b), and (e), Election Code, to read as follows:

SECTION 16. Sections 41.001(a) and (b), Election Code, are amended to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

- (1) ~~[the first Saturday in February;~~
- ~~[(2)]~~ the first Saturday in May;
- ~~[(3) the second Saturday in September;]~~ or
- ~~(2) [(4)]~~ the first Tuesday after the first Monday in November.

(b) Subsection (a) does not apply to:

- (1) a runoff election;
- (2) ~~[an election for the issuance or assumption of bonds for any purpose authorized by law relating to public schools or colleges or the levy of a tax for the maintenance of a public school or college, if the governing body of the political subdivision having jurisdiction of the public school or college issuing or assuming the bonds or levying the tax;~~

~~[(A) by resolution, order, or ordinance, finds that holding the election on a date other than a uniform election date is in the public interest, which finding is conclusive and incontestable; and~~

~~[(B) the election is the only election of the type described by this subdivision held by that political subdivision on a date other than a uniform election date during the state fiscal biennium;~~

- ~~[(3)]~~ an election to resolve a tie vote;
- (3) ~~[(4)]~~ an election held under an order of a court or other tribunal;
- (4) ~~[(5)]~~ an emergency election ordered under Section 41.0011;
- (5) ~~[(6)]~~ an expedited election to fill a vacancy in the legislature held under Section 203.013; or

~~(6) [(7)]~~ an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election.

SECTION 17. Section 41.001(e), Election Code, is amended to read as follows:

(e) In addition to a date prescribed by Subsection (a), an [An] election for an office in which a majority vote is required and that is [may not be held on the September or February uniform election date. This subsection does not apply to an election] conducted under Section 26.045, Local Government Code, may be

held on the first Saturday in February or the second Saturday in September, which are considered to be dates that comply with Subsection (a) and Section 26.045, Local Government Code.

Explanation: The additional new sections are necessary to provide for greater efficiency in holding elections by reducing the number of dates on which an election by political subdivisions may be held.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new section amending Section 41.007(b), Election Code, to read as follows:

SECTION 18. Section 41.007(b), Election Code, is reenacted to read as follows:

(b) The runoff primary election date is the second Tuesday in April following the general primary election.

Explanation: The added section is necessary to resolve a conflict between two previous enactments of the 78th Legislature relating to the date of the primary run-off election.

(5) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add new sections amending Section 41.253(b), Education Code, and Sections 49.103(b) and 56.804(a), Water Code, to read as follows:

SECTION 46. Section 41.253(b), Education Code, is amended to read as follows:

(b) The transitional board of trustees shall divide the consolidated district into nine single-member trustee districts in accordance with the procedures provided by Section 11.052. The transitional board shall order an election for the initial board of trustees to be held on the first May ~~February~~ uniform election date after the effective date of a consolidation order.

SECTION 47. Section 49.103(b), Water Code, is amended to read as follows:

(b) An election shall be held on the uniform election date, established by the Election Code, in ~~[either February or]~~ May of each even-numbered year to elect the appropriate number of directors.

SECTION 48. Section 56.804(a), Water Code, is amended to read as follows:

(a) The election shall be held on a uniform election day in ~~[February or]~~ May.

Explanation: The added sections are necessary to conform the various laws governing the elections of political subdivisions with the new uniform election dates established in the bill.

(6) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add new text repealing Section 41.001(d), Election Code, in Section 49 of the bill.

Explanation: The added text repealing Section 41.001(d), Election Code, is necessary to conform to the uniform election dates established by the bill.

(7) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add new text to the bill in Section 50 to read as follows:

SECTION 50. (a) Notwithstanding any other enactment of the 78th Legislature, Regular Session, 2003, that amends Section 41.007(b), Election Code, including Section 1, **HB 2496**, and Section 16, **HB 1549**, the runoff primary election day remains on the second Tuesday in April following the general primary election as provided by Section 18 of this Act.

(b) Notwithstanding any other enactment of the 78th Legislature, Regular Session, 2003, that modifies Section 41.001(a), Election Code, including Section 14, **HB 1549**, the uniform election date remains on the first Saturday in May, as provided by Section 16 of this Act.

(c) Section 2.056(b), Election Code, as added by Section 1, **HB 1344**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(b) This section applies to a general or special election for an office of a political subdivision other than a county.

(d) Notwithstanding any other enactment of the 78th Legislature, Regular Session, 2003, including Section 1, **HB 1476**, Sections 2.051-2.053, Election Code, are repealed.

(e) Subsection (c) of this section takes effect on the date that **HB 1344**, Acts of the 78th Legislature, Regular Session, 2003, takes effect. If **HB 1344** does not take effect, Subsection (c) has no effect.

(f) Subsection (d) of this section takes effect on the date that **HB 1476**, Acts of the 78th Legislature, Regular Session, 2003, takes effect. If **HB 1476** does not take effect, Subsection (d) has no effect.

Explanation: The added text is necessary to resolve conflicts between various previous enactments of the 78th Legislature involving election processes and procedures.

(8) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to the bill in Section 51(c) to read as follows:

(c) Not later than December 31, 2003, a political subdivision that before October 1, 2003, held its general election for officers on the February or September uniform election date shall change the election date to a date authorized by Section 41.001, Election Code, as amended by this Act. An election on the new date may not be held before the uniform election date in May 2004.

Explanation: The added text is necessary to require political subdivisions to conform to the uniform election dates established in the bill.

HR 1758 was adopted without objection.

SB 600 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Talton, the house granted the request of the senate for the appointment of a conference committee on **SB 600**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 600**: Talton, chair; Keel; Gattis; Stick; and Ellis.

**SB 755 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Chisum, the house granted the request of the senate for the appointment of a conference committee on **SB 755**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 755**: Chisum, chair; Hupp; Christian; Berman; and J. Davis.

**SB 1272 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Flores, the house granted the request of the senate for the appointment of a conference committee on **SB 1272**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1272**: Flores, chair; Callegari; Bonnen; Kuempel; and McReynolds.

**SB 1303 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Chisum, the house granted the request of the senate for the appointment of a conference committee on **SB 1303**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1303**: Chisum, chair; Lewis; Flynn; Farabee; and Quintanilla.

**SB 1387 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Flores, the house granted the request of the senate for the appointment of a conference committee on **SB 1387**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1387**: Homer, chair; Crownover; Riddle; Flores; and Hupp.

**SB 1862 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Wohlgemuth, the house granted the request of the senate for the appointment of a conference committee on **SB 1862**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1862**: Wohlgemuth, chair; Heflin; Truitt; Hupp; and J. Davis.

**SB 1708 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Baxter, the house granted the request of the senate for the appointment of a conference committee on **SB 1708**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1708**: Baxter, chair; Pickett; Guillen; Howard; and Van Arsdale.

HB 9 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Flores submitted the following conference committee report on **HB 9** :

Austin, Texas, May 29, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 9** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Lindsay
Gallegos
Wentworth
Shapiro

Allen
Marchant
Corte
Berman
Flores

On the part of the senate

On the part of the house

HB 9, A bill to be entitled An Act relating to homeland security.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Government Code, is amended by adding Chapter 421 to read as follows:

CHAPTER 421. HOMELAND SECURITY SUBCHAPTER A. GENERAL PROVISIONS

Sec. 421.001. DEFINITIONS. In this chapter:

(1) "Agency" means any governmental entity.

(2) "Critical infrastructure" includes all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.

(3) "Homeland security activity" means any activity related to the prevention or discovery of, response to, or recovery from a terrorist attack, natural or man-made disaster, hostile military or paramilitary action, or extraordinary law enforcement emergency.

Sec. 421.002. HOMELAND SECURITY STRATEGY. (a) The governor shall direct homeland security in this state and shall develop a statewide homeland security strategy that improves the state's ability to:

(1) detect and deter threats to homeland security;

(2) respond to homeland security emergencies; and

(3) recover from homeland security emergencies.

(b) The governor's homeland security strategy shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector and must include specific plans for:

- (1) intelligence gathering and analysis;
- (2) information sharing;
- (3) reducing the state's vulnerability to homeland security emergencies;
- (4) protecting critical infrastructure;
- (5) protecting the state's international border, ports, and airports;
- (6) detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism;
- (7) positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency;
- (8) directing the Texas Infrastructure Protection Communications Center and giving the center certain forms of authority to implement the governor's homeland security strategy; and
- (9) using technological resources to:
 - (A) facilitate the interoperability of government technological resources, including data, networks, and applications;
 - (B) coordinate the warning and alert systems of state and local agencies;
 - (C) incorporate multidisciplinary approaches to homeland security;
 - (D) improve the security of governmental and private sector information technology and information resources.

(c) The governor's homeland security strategy must complement and operate in coordination with the federal homeland security strategy.

Sec. 421.003. CRIMINAL INTELLIGENCE INFORMATION. The Department of Public Safety of the State of Texas is:

- (1) the repository in this state for the collection of multijurisdictional criminal intelligence information that is about terrorist activities or otherwise related to homeland security activities; and
- (2) the state agency that has primary responsibility to analyze and disseminate that information.

Sec. 421.004. PROVISIONS GOVERNING MOBILE TRACKING DEVICES. In the event of a conflict between Section 14, Article 18.21, Code of Criminal Procedure, and this chapter or a rule adopted under this chapter, Section 14, Article 18.21, Code of Criminal Procedure, controls.

[Sections 421.005-421.020 reserved for expansion]

SUBCHAPTER B. CRITICAL INFRASTRUCTURE PROTECTION COUNCIL

Sec. 421.021. MEMBERSHIP. (a) The Critical Infrastructure Protection Council is composed of the governor or the governor's designee and one representative of each of the following entities, appointed by the single statewide elected or appointed governing officer or administrative head of the entity:

- (1) Department of Agriculture;
- (2) office of the attorney general;

- (3) General Land Office;
- (4) Public Utility Commission of Texas;
- (5) Texas Department of Health;
- (6) Department of Information Resources;
- (7) Department of Public Safety of the State of Texas;
- (8) division of emergency management of the office of the governor;
- (9) Texas National Guard;
- (10) Texas Commission on Environmental Quality;
- (11) Railroad Commission of Texas;
- (12) Texas Strategic Military Planning Commission; and
- (13) Texas Department of Transportation.

(b) To be eligible for appointment as a member of the council, a person must be directly involved in the policies, programs, or funding activities of the appointing agency, office, or division that are relevant to homeland security or infrastructure protection.

(c) A member of the council serves at the will of the governor. At the request of the governor, an appointing authority under this section shall appoint a different member.

(d) An officer or employee of a state or local agency who serves as a member of the council or a special advisory committee under this subchapter shall perform the duties required by the council or special advisory committee as an additional duty of the member's office or employment.

Sec. 421.022. REIMBURSEMENT OF EXPENSES. A member of the council may not receive additional compensation for service on the council but is entitled to reimbursement of reasonable expenses incurred in direct performance of official duties, including travel expenses incurred by the member while conducting the business of the council, subject to any applicable limitation on reimbursement provided by general law or the General Appropriations Act.

Sec. 421.023. ADMINISTRATION. (a) The council is an advisory entity administered by the office of the governor.

(b) The governor may adopt rules as necessary for the operation of the council.

(c) The governor shall designate the presiding officer of the council.

(d) The council shall meet at the call of the governor and shall meet at least once each quarter in a calendar year.

(e) The council is not subject to Chapter 2110.

Sec. 421.024. DUTIES. The council shall advise the governor on:

(1) the development and coordination of a statewide critical infrastructure protection strategy;

(2) the implementation of the governor's homeland security strategy by state and local agencies and provide specific suggestions for helping those agencies implement the strategy; and

(3) other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy.

Sec. 421.025. SPECIAL ADVISORY COMMITTEES. (a) The governor may appoint one or more special advisory committees composed of representatives from state or local agencies or nongovernmental entities not represented on the council.

(b) The governor shall determine the number of members and qualifications for membership on a special advisory committee under this section.

(c) A special advisory committee under this section shall assist the council in performing its duties.

(d) A special advisory committee under this section is subject to Chapter 2110, except that Section 2110.002 does not apply.

Sec. 421.026. REPORT. The council shall annually submit to the governor a report stating:

(1) the council's progress in developing and coordinating a statewide critical infrastructure protection strategy;

(2) the status and funding of state programs designed to detect and deter homeland security emergencies, including the status and funding of counterterrorism efforts;

(3) recommendations on actions to reduce threats to homeland security, including threats related to terrorism; and

(4) recommendations for improving the alert, response, and recovery capabilities of state and local agencies.

[Sections 421.027-421.060 reserved for expansion]

SUBCHAPTER C. CIVIL LIABILITY FOR ACTS OR OMISSIONS

Sec. 421.061. CIVIL LIABILITY. (a) An officer or employee of a state or local agency performing a homeland security activity or a volunteer performing a homeland security activity at the request or under the direction of an officer or employee of a state or local agency is considered for purposes of Section 431.085 to be a member of the state military forces ordered into active service of the state by proper authority and is considered to be discharging a duty in that capacity if:

(1) the officer, employee, or volunteer is performing the homeland security activity under procedures prescribed or circumstances described for the purpose of this section in the governor's homeland security strategy;

(2) in the case of a volunteer, the volunteer is acting within the course and scope of the request or direction of the officer or employee of the state or local agency; and

(3) in the case of an officer or employee of a state or local agency, the officer or employee is acting within the course and scope of the person's authority.

(b) A person described by Subsection (a) is not immune from civil liability under Section 431.085 for damages resulting from the performance of a homeland security activity if, under the circumstances, the person's performance of the homeland security activity was wilfully or wantonly negligent or done with conscious indifference or reckless disregard for the safety of persons this chapter is intended to protect.

(c) This section does not make a person a member of the state military forces for any other purpose, including for purposes of the application of the Uniform Code of Military Justice.

(d) This section does not affect the application of Section 431.085 on its own terms to a person who is a member of the state military forces ordered into active service of the state by proper authority under other law.

Sec. 421.062. LIABILITY UNDER INTERLOCAL CONTRACT. (a) In this section, "interlocal contract" has the meaning assigned by Section 791.003.

(b) A state or local agency that furnishes a service related to a homeland security activity under an interlocal contract is immune from civil liability for any act or omission resulting in death, damage, or injury while acting under the interlocal contract if:

(1) the interlocal contract expressly states that the furnishing state or local agency is not responsible for any civil liability that arises from the furnishing of a service under the contract; and

(2) the state or local agency committed the act or omission while acting in good faith and in the course and scope of its functions to provide a service related to a homeland security activity.

(c) This section may not be interpreted as a waiver of any immunity that might exist in the absence of an interlocal contract or a provision in an interlocal contract as set forth in Subsection (b).

[Sections 421.063-421.070 reserved for expansion]

SUBCHAPTER D. COOPERATION AND ASSISTANCE; FUNDING

Sec. 421.071. COOPERATION AND ASSISTANCE. A state or local agency that performs a homeland security activity or a nongovernmental entity that contracts with a state or local agency to perform a homeland security activity shall cooperate with and assist the office of the governor, the Critical Infrastructure Protection Council, the Texas Infrastructure Protection Communications Center, and the National Infrastructure Protection Center in the performance of their duties under this chapter and other state or federal law.

Sec. 421.072. FUNDING. (a) The office of the governor shall:

(1) allocate available federal and state grants and other funding related to homeland security to state and local agencies that perform homeland security activities;

(2) periodically review the grants and other funding for appropriateness and compliance; and

(3) designate state administering agencies to administer all grants and other funding to the state related to homeland security.

(b) State and local agencies that perform homeland security activities shall inform the office of the governor about any actions taken relating to requests for revenue, grants, or other funding for homeland security activities or initiatives.

(c) A state or local agency that receives a grant or other funding related to homeland security must provide an annual report to the office of the governor detailing the agency's compliance with the state homeland security strategy.

[Sections 421.073-421.080 reserved for expansion]

SUBCHAPTER E. TEXAS INFRASTRUCTURE PROTECTION
COMMUNICATIONS CENTER

Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The Department of Public Safety of the State of Texas shall provide facilities and administrative support for the Texas Infrastructure Protection Communications Center.

Sec. 421.082. POWERS AND DUTIES. (a) The center shall serve as the state's primary entity for the planning, coordination, and integration of government communications capabilities to help implement the governor's homeland security strategy and ensure an effective response in the event of a homeland security emergency.

(b) The center's duties include:

- (1) promotion of emergency preparedness;
- (2) receipt and analysis of information, assessment of threats, and issuance of public warnings related to homeland security emergencies; and
- (3) authorization and facilitation of cooperative efforts related to emergency response and recovery efforts in the event of a homeland security emergency.

(c) In performing its duties under this section, the center shall aim to:

- (1) reduce the vulnerability of at-risk or targeted entities to homeland security emergencies; and
- (2) prevent or minimize damage, injury, loss of life, and loss of property in the event of a homeland security emergency.

(d) The center shall perform its duties under circumstances prescribed by and as directed by the governor's homeland security strategy.

SECTION 2. Section 418.175(a), Government Code, is amended to read as follows:

(a) Information that relates to physically or mentally disabled individuals or other ~~[medically fragile]~~ individuals with special needs and that is maintained for purposes of emergency management or disaster planning is confidential ~~[and excepted from required disclosure under Chapter 552].~~

SECTION 3. Subchapter H, Chapter 418, Government Code, is amended by adding Sections 418.176-418.183 to read as follows:

Sec. 418.176. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO EMERGENCY RESPONSE PROVIDERS. (a) Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

- (1) relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency;
- (2) relates to a tactical plan of the provider; or
- (3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

(b) In this section and Sections 418.177-418.183, "governmental entity" includes the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code.

Sec. 418.177. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO RISK OR VULNERABILITY ASSESSMENT. Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to an assessment by or for a governmental entity, or an assessment that is maintained by a governmental entity, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

Sec. 418.178. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CONSTRUCTION OR ASSEMBLY OF WEAPONS. (a) In this section, "explosive weapon" has the meaning assigned by Section 46.01, Penal Code.

(b) Information is confidential if it is information collected, assembled, or maintained by or for a governmental entity and:

(1) is more than likely to assist in the construction or assembly of an explosive weapon or a chemical, biological, radiological, or nuclear weapon of mass destruction; or

(2) indicates the specific location of:

(A) a chemical, biological agent, toxin, or radioactive material that is more than likely to be used in the construction or assembly of such a weapon; or

(B) unpublished information relating to a potential vaccine or to a device that detects biological agents or toxins.

Sec. 418.179. CONFIDENTIALITY OF CERTAIN ENCRYPTION CODES AND SECURITY KEYS FOR COMMUNICATIONS SYSTEM. (a) Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to the details of the encryption codes or security keys for a public communications system.

(b) This section does not prohibit a governmental entity from making available, at cost, to bona fide local news media, for the purpose of monitoring emergency communications of public interest, the communications terminals used in the entity's trunked communications system that have encryption codes installed.

Sec. 418.180. CONFIDENTIALITY OF CERTAIN INFORMATION PREPARED FOR UNITED STATES. Information, other than financial information, in the possession of a governmental entity is confidential if the information:

- (1) is part of a report to an agency of the United States;
- (2) relates to an act of terrorism or related criminal activity; and
- (3) is specifically required to be kept confidential:

(A) under Section 552.101 because of a federal statute or regulation;

(B) to participate in a state-federal information sharing agreement;
or

(C) to obtain federal funding.

Sec. 418.181. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CRITICAL INFRASTRUCTURE. Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.

Sec. 418.182. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO SECURITY SYSTEMS. (a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

(b) Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under Chapter 552.

(c) Information in the possession of a governmental entity that relates to the location of a security camera in a private office at a state agency, including an institution of higher education, as defined by Section 61.003, Education Code, is public information and is not excepted from required disclosure under Chapter 552 unless the security camera:

(1) is located in an individual personal residence for which the state provides security; or

(2) is in use for surveillance in an active criminal investigation.

Sec. 418.183. DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION. (a) This section applies only to information that is confidential under Sections 418.175-418.182.

(b) At any time during a state of disaster, the executive or administrative head of the governmental entity may voluntarily disclose or otherwise make available all or part of the confidential information to another person or another entity if the executive or administrative head believes that the other person or entity has a legitimate need for the information.

(c) The executive or administrative head of a port, port authority, or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, may voluntarily disclose or otherwise make available all or part of the confidential information to another person if the information:

(1) is shared in connection with a security network or committee, including a federal or state security committee or task force;

(2) consists of data, video, or other information on an information-sharing device that is shared with a security network; or

(3) is shared with an emergency operations center.

(d) The disclosure or making available of confidential information by a hospital district to a national accreditation body does not waive or affect the confidentiality of the information.

(e) The disclosure or making available of confidential information under Subsection (b) or (c) does not waive or affect the confidentiality of the information.

(f) A governmental body subject to Chapter 551 is not required to conduct an open meeting to deliberate information to which this section applies. Notwithstanding Section 551.103(a), the governmental body must make a tape recording of the proceedings of a closed meeting to deliberate the information.

SECTION 4. Section 431.051, Government Code, is amended to read as follows:

Sec. 431.051. SUPPLEMENTAL VOLUNTEER MILITARY FORCES [~~MILITIA~~]. To provide mission-ready volunteer military forces [~~militia strength~~] for use by the state in homeland security and community service activities as a supplement to the Texas National Guard, the Texas State Guard exists as part of the state militia under the Second Amendment to the United States Constitution and a defense force under 32 U.S.C. Section 109.

SECTION 5. Section 431.052(b), Government Code, is amended to read as follows:

(b) To volunteer for service in the Texas State Guard a person must:

(1) be a resident of this state for at least 180 days and:

(A) a [state] citizen of the United States; or

(B) a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.);

(2) be at least 17 years of age;

(3) meet qualifications that the governor prescribes; and

(4) be acceptable to and approved by the governor or adjutant general under the governor's direction.

SECTION 6. Subchapter C, Chapter 662, Government Code, is amended by adding Section 662.050 to read as follows:

Sec. 662.050. TEXAS FIRST RESPONDERS DAY. (a) September 11 is Texas First Responders Day in honor of the bravery, courage, and determination of Texas men and women who assist others in emergencies.

(b) Texas First Responders Day shall be regularly observed by appropriate ceremonies in the public schools and other places to honor Texas first responders.

SECTION 7. Section 81.042(e), Health and Safety Code, is amended to read as follows:

(e) The following persons shall report to the local health authority or the department a suspected case of a reportable disease and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Subsections (a)-(d):

- (1) a professional registered nurse;
- (2) an administrator or director of a public or private temporary or permanent child-care facility;
- (3) an administrator or director of a nursing home, personal care home, maternity home, adult respite care center, or adult day-care center;
- (4) an administrator of a home health agency;
- (5) an administrator or health official of a public or private institution of higher education;
- (6) an owner or manager of a restaurant, dairy, or other food handling or processing establishment or outlet;
- (7) a superintendent, manager, or health official of a public or private camp, home, or institution;
- (8) a parent, guardian, or householder;
- (9) a health professional; ~~or~~
- (10) an administrator or health official of a penal or correctional institution; or
- (11) emergency medical service personnel, a peace officer, or a firefighter.

SECTION 8. Subchapter B, Chapter 562, Occupations Code, is amended by adding Section 562.055 to read as follows:

Sec. 562.055. REPORT TO TEXAS DEPARTMENT OF HEALTH. A pharmacist shall report to the Texas Department of Health any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins that might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Prescription-related events that require a report include:

- (1) an unusual increase in the number of:
 - (A) prescriptions to treat respiratory or gastrointestinal complaints or fever;
 - (B) prescriptions for antibiotics; and
 - (C) requests for information on over-the-counter pharmaceuticals to treat respiratory or gastrointestinal complaints or fever; and
- (2) any prescription that treats a disease that is relatively uncommon and has bioterrorism potential.

SECTION 9. Sections 161.101(a), (b), and (c), Agriculture Code, are amended to read as follows:

(a) A veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report the existence of the following diseases among livestock, exotic livestock, bison, domestic fowl, or exotic fowl to the commission within 24 hours after diagnosis of the disease:

- (1) anthrax;
- (2) avian infectious laryngotracheitis;
- (3) avian influenza;
- (4) avian tuberculosis;

- (5) chronic wasting disease;
- (6) duck virus enteritis;
- (7) duck virus hepatitis;
- (8) equine encephalomyelitis;
- (9) equine infectious anemia;
- (10) infectious encephalomyelitis in poultry or other fowl;
- (11) ornithosis;
- (12) paramyxovirus infection in poultry or other fowl; or
- (13) scabies in sheep or cattle.

(b) In addition to reporting required by Subsection (a), the commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report the existence of a disease other than bluetongue in an animal to the commission within 24 hours after diagnosis if the disease:

- (1) is recognized by the United States Department of Agriculture as a foreign animal disease;
- (2) is the subject of a cooperative eradication program with the United States Department of Agriculture;
- (3) is named on "List A" of the Office International Des Epizooties; or
- (4) is the subject of a state of emergency, as declared by the governor.

(c) The commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report a disease not covered by Subsection (a) or (b) if the commission determines that action to be necessary for the protection of animal health in this state. The commission shall immediately deliver a copy of a rule adopted under this subsection to the appropriate legislative oversight committees. A rule adopted by the commission under this subsection expires on the first day after the last day of the first regular legislative session that begins after adoption of the rule unless the rule is continued in effect by act of the legislature.

SECTION 10. (a) The governor shall develop a statewide homeland security strategy as required by Section 421.002, Government Code, as added by this Act, not later than September 1, 2004.

(b) The head of each entity listed in Section 421.021, Government Code, as added by this Act, shall appoint a representative to the Critical Infrastructure Protection Council, as required by that section, not later than December 1, 2003.

SECTION 11. (a) It is the intent of the legislature that no provision in this Act should be construed to affect current state or federal law concerning military support to civilian law enforcement personnel in this state and that any military support to civilian law enforcement personnel in this state must be carried out in strict compliance with the constitution, statutes, rules, and regulations of the United States.

(b) Subsection (a) does not affect the civil liability provisions of Subchapter C, Chapter 421, Government Code, as added by this Act.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

(Peña in the chair)

Representative Flores moved to adopt the conference committee report on **HB 9**.

A record vote was requested.

The motion prevailed by (Record 891): 117 Yeas, 20 Nays, 3 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Nixon; Oliveira; Paxton; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Coleman; Davis, Y.; Dunnam; Escobar; Farrar; Gallego; Hochberg; Jones, J.; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Quintanilla; Rodriguez; Solis; Thompson; Wise.

Present, not voting — Mr. Speaker; Laney; Peña(C).

Absent, Excused — Smithee.

Absent — Canales; Davis, J.; Edwards; Goolsby; Howard; Menendez; Mowery; Smith, W.; Telford.

STATEMENT OF VOTE

I was shown voting no on Record No. 891. I intended to vote yes.

Gallego

HR 1794 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 1794**, suspending the limitations on the conferees for **SB 1108**.

HR 1795 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 1795**, suspending the limitations on the conferees for **HB 2044**.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 41).

**HCR 283 - ADOPTED
(by Ritter)**

The following privileged resolution was laid before the house:

HCR 283

WHEREAS, **HB 730** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains technical and typographical errors that should be corrected; now, therefore, be it

RESOLVED by the 78th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

In SECTION 1.01 of the bill, in added Section 437.001, Property Code, strike Subsection (a) and substitute the following:

(a) If an arbitration award is filed in a court of competent jurisdiction in this state, the filer shall also, not later than the 30th day after the date an award is made in a residential construction arbitration, file with the commission a summary of the arbitration award that includes:

- (1) the names of the parties to the dispute;
- (2) the name of each party's attorney, if any;
- (3) the name of the arbitrator who conducted the arbitration;
- (4) the name of the arbitration services provider who administered the arbitration, if any;
- (5) the fee charged to conduct the arbitration;
- (6) a general statement of each issue in dispute;
- (7) the arbitrator's determination, including the party that prevailed in each issue in dispute and the amount of any monetary award; and
- (8) the date of the arbitrator's award.

HCR 283 was adopted.

**SCR 61 - ADOPTED
(Isett - House Sponsor)**

Representative Isett moved to suspend all necessary rules to take up and consider at this time **SCR 61**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 61, In memory of Susan Wilkes of Lubbock.

SCR 61 was unanimously adopted by a rising vote.

On motion of Representative Hughes, the names of all the members of the house were added to **SCR 61** as signers thereof.

HCR 267 - ADOPTED

(by Isett)

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HCR 267**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 267, Congratulating Jack Dale on his 50-year association with Texas Tech University as a sports announcer.

HCR 267 was adopted without objection.

On motion of Representative Laney, the names of all the members of the house were added to **HCR 267** as signers thereof.

HB 111 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Chavez submitted the following conference committee report on **HB 111** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 111** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zaffirini
Shapleigh
Carona
Gallegos
Harris

On the part of the senate

Chavez
Mowery
Wohlgemuth
Uresti
Castro

On the part of the house

HB 111, A bill to be entitled An Act relating to responsibility for payment for transport by ambulance of a recipient of medical assistance in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.024, Human Resources Code, is amended by amending Subsection (t) and adding Subsection (z) to read as follows:

(t) The department by rule shall require a physician, nursing facility, health care provider, or other responsible party to obtain authorization from the department or a person authorized to act on behalf of the department before an ambulance is used to transport a recipient of medical assistance under this chapter in circumstances not involving an emergency. The rules must provide that:

(1) except as provided by Subdivision (3), a request for authorization must be evaluated based on the recipient's medical needs and may be granted for a length of time appropriate to the recipient's medical condition;

(2) except as provided by Subdivision (3), a response to a request for authorization must be made not later than 48 hours after receipt of the request;

(3) a request for authorization must be immediately granted and must be effective for a period of 180 days from the date of issuance if the request includes a written statement from a physician that:

(A) states that alternative means of transporting the recipient are contraindicated; and

(B) is dated not earlier than the 60th day before the date on which the request for authorization is made; ~~and~~

(4) a person denied payment for ambulance services rendered is entitled to payment from the nursing facility, health care provider, or other responsible party that requested the services if:

(A) payment under the medical assistance program is denied because of lack of prior authorization; and

(B) the person provides the nursing facility, health care provider, or other responsible party with a copy of the bill for which payment was denied; and

(5) a person denied payment for services rendered because of failure to obtain prior authorization or because a request for prior authorization was denied is entitled to appeal the denial of payment to the department.

(z) The department shall incorporate physician-oriented instruction on the appropriate procedures for authorizing ambulance service into current medical education courses.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Representative Chavez moved to adopt the conference committee report on **HB 111**.

A record vote was requested.

The motion prevailed by (Record 892): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs;

Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Oliveira; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Peña(C).

Absent, Excused — Smithee.

Absent — Dukes; Edwards; Howard; Nixon; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 892 was taken, I was in the house but away from my desk. I would have voted yes.

Wohlgemuth

HB 547 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Wohlgemuth submitted the following conference committee report on **HB 547** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 547** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Averitt
Hinojosa
Lindsay
Wentworth

Wohlgemuth
B. Brown
Denny
Hochberg
Stick

On the part of the senate

On the part of the house

HB 547, A bill to be entitled An Act relating to the distance between certain pits that are part of quarrying operations and adjacent property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 133.901, Natural Resources Code, is amended to read as follows:

Sec. 133.901. DISTANCE BETWEEN PIT AND PROPERTY LINE. (a) Except as provided by Subsection (b), at [This section applies only to a county with a population of more than 400,000 and less than 475,000.

~~[(b) At]~~ the time quarrying is completed, the distance from the edge of the consolidated material of a pit that does not have lateral support to the property line of the nearest property that is not owned or leased by the operator may not be less than 50 feet.

(b) This section does not apply:

(1) to a pit if the operator and the adjacent property owner agree that the pit may be located closer to the property line;

(2) to an excavation constructed by a political subdivision to provide drainage or stormwater retention; or

(3) to a county with a population of 3.3 million or more.

SECTION 2. The change in law made by this Act applies only to a pit that is active on or after the effective date of this Act. A pit that is inactive on the effective date of this Act and that continuously remains inactive after that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2003.

Representative Wohlgemuth moved to adopt the conference committee report on **HB 547**.

The motion prevailed.

HB 1129 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Farrar submitted the following conference committee report on **HB 1129** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1129** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Gallegos
Madla
Brimer
Deuell

On the part of the senate

Farrar
Callegari
Thompson
Bohac

On the part of the house

HB 1129, A bill to be entitled An Act relating to enforcement of certain types of restrictions in certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.132, Local Government Code, as redesignated by Chapter 1420, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 212.132. DEFINITION. In this subchapter, "restriction" means a land-use regulation ~~[limitation]~~ that:

(1) affects the character of the use to which real property, including residential and rental property, may be put;

(2) fixes the distance that a structure must be set back from property lines, street lines, or lot lines; ~~[or]~~

(3) affects the size of a lot or the size, type, and number of structures that may be built on the lot;

(4) regulates or restricts the type of activities that may take place on the property, including commercial activities, sweepstakes activities, keeping of animals, use of fire, nuisance activities, vehicle storage, and parking;

(5) regulates architectural features of a structure, construction of fences, landscaping, garbage disposal, or noise levels; or

(6) specifies the type of maintenance that must be performed on a lot or structure, including maintenance of a yard or fence.

SECTION 2. Section 212.133, Local Government Code, as redesignated by Chapter 1420, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 212.133. SUIT TO ENFORCE RESTRICTIONS. (a) Except as provided by Subsection (b), the ~~[The]~~ municipality may sue in any court of competent jurisdiction to enjoin or abate a violation of a restriction contained or incorporated by reference in a properly recorded plan, plat, or other instrument that affects a subdivision located inside the boundaries of the municipality.

(b) The municipality may not initiate or maintain a suit to enjoin or abate a violation of a restriction if a property owners' association with the authority to enforce the restriction files suit to enforce the restriction.

(c) In a suit by a property owners' association to enforce a restriction, the association may not submit into evidence or otherwise use the work product of the municipality's legal counsel.

(d) In a suit filed under this section alleging that any of the following activities violates a restriction limiting property to residential use, it is not a defense that the activity is incidental to the residential use of the property:

(1) storing a tow truck, crane, moving van or truck, dump truck, cement mixer, earth-moving device, or trailer longer than 20 feet; or

(2) repairing or offering for sale more than two motor vehicles in a 12-month period.

(e) A municipality may not enforce a deed restriction which purports to regulate or restrict the rights granted to public utilities to install, operate, maintain, replace, and remove facilities within easements and private or public rights-of-way.

SECTION 3. Section 212.133, Local Government Code, as redesignated by Chapter 1420, Acts of the 77th Legislature, Regular Session, 2001, and amended by this Act, applies only to a suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. Subchapter E, Chapter 212, Local Government Code, as redesignated by Chapter 1420, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 212.1335 to read as follows:

Sec. 212.1335. FORECLOSURE BY PROPERTY OWNERS' ASSOCIATION. (a) A municipality may not participate in a suit or other proceeding to foreclose a property owners' association's lien on real property.

(b) In a suit or other proceeding to foreclose a property owners' association's lien on real property in the subdivision, the association may not submit into evidence or otherwise use the work product of the municipality's legal counsel.

SECTION 5. Subchapter E, Chapter 212, Local Government Code, as redesignated by Chapter 1420, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 212.138 to read as follows:

Sec. 212.138. EFFECT ON OTHER LAW. This subchapter does not prohibit the exhibition, play, or necessary incidental action thereto of a sweepstakes not prohibited by Chapter 43, Business & Commerce Code, as added by Chapter 1119, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 6. Section 212.1335, Local Government Code, as added by this Act, applies only to a suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2003.

Representative Farrar moved to adopt the conference committee report on **HB 1129**.

The motion prevailed.

HB 1163 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Thompson submitted the following conference committee report on **HB 1163** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1163** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Harris

Thompson

Armbrister
Ratliff

Ellis
Laubenberg
Y. Davis

On the part of the senate

On the part of the house

HB 1163, A bill to be entitled An Act relating to contracts between certain health care providers and health benefit plans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 3(b), Article 3.70-3C, Insurance Code, as added by Chapter 1024, Acts of the 75th Legislature, Regular Session, 1997, is amended by adding Subdivision (5) to read as follows:

(5) An insurer may not withhold a designation to a podiatrist described by Subsection (p) of this section.

SECTION 2. Section 3, Article 3.70-3C, Insurance Code, as added by Chapter 1024, Acts of the 75th Legislature, Regular Session, 1997, is amended by adding Subsection (p) to read as follows:

(p) Notwithstanding Subsection (b) of this section, an insurer may not withhold the designation of preferred provider to a podiatrist licensed by the Texas State Board of Podiatric Medical Examiners who joins the professional practice of a contracted preferred provider, applies to the insurer for designation as a preferred provider, and complies with the terms and conditions of eligibility to be a preferred provider. A podiatrist designated as a preferred provider under this subsection must comply with the terms of the preferred provider contract used by the insurer or the insurer's network provider.

SECTION 3. Section 843.303, Insurance Code, as effective June 1, 2003, is amended by adding Subsection (c) to read as follows:

(c) A health maintenance organization may not deny a contract to a podiatrist described by Section 843.319.

SECTION 4. Subchapter I, Chapter 843, Insurance Code, as effective June 1, 2003, is amended by adding Section 843.319 to read as follows:

Sec. 843.319. CERTAIN REQUIRED CONTRACTS. Notwithstanding Section 843.304, a health maintenance organization may not deny a contract to a podiatrist licensed by the Texas State Board of Podiatric Medical Examiners who joins the professional practice of a contracted physician or provider, satisfies the application procedures of the health maintenance organization, and meets the qualification and credentialing requirements for contracting with the health maintenance organization.

SECTION 5. Section 3(p), Article 3.70-3C, and Section 843.319, Insurance Code, as added by this Act, apply only to an application for designation as a preferred provider or an application to contract with a health maintenance organization submitted to an insurer or health maintenance organization on or after September 1, 2003. An application submitted before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2003.

Representative Thompson moved to adopt the conference committee report on **HB 1163**.

The motion prevailed.

HB 1493 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Solomons submitted the following conference committee report on **HB 1493** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1493** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Harris
Staples
Lucio

Solomons
Marchant
Hughes
Giddings

On the part of the senate

On the part of the house

HB 1493, A bill to be entitled An Act relating to the foreclosure of property and the authority of a mortgage servicer to administer the foreclosure on behalf of a mortgagee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 51, Property Code, is amended by adding Sections 51.0001, 51.0021, 51.0025, 51.0075, and 51.009 to read as follows:

Sec. 51.0001. DEFINITIONS. In this chapter:

(1) "Book entry system" means a national book entry system for registering a beneficial interest in a security instrument that acts as a nominee for the grantee, beneficiary, owner, or holder of the security instrument and its successors and assigns.

(2) "Debtor's last known address" means:

(A) for a debt secured by the debtor's residence, the debtor's residence address unless the debtor provided the mortgage servicer a written change of address before the date the mortgage servicer mailed a notice required by Section 51.002; or

(B) for a debt other than a debt described by Paragraph (A), the debtor's last known address as shown by the records of the mortgage servicer of the security instrument unless the debtor provided the current mortgage servicer a written change of address before the date the mortgage servicer mailed a notice required by Section 51.002.

(3) "Mortgage servicer" means the last person to whom a mortgagor has been instructed by the current mortgagee to send payments for the debt secured by a security instrument. A mortgagee may be the mortgage servicer.

(4) "Mortgagee" means:

(A) the grantee, beneficiary, owner, or holder of a security instrument;

(B) a book entry system; or

(C) if the security interest has been assigned of record, the last person to whom the security interest has been assigned of record.

(5) "Mortgagor" means the grantor of a security instrument.

(6) "Security instrument" means a deed of trust, mortgage, or other contract lien on an interest in real property.

(7) "Substitute trustee" means a person appointed by the current mortgagee or mortgage servicer under the terms of the security instrument to exercise the power of sale.

(8) "Trustee" means a person authorized to exercise the power of sale under the terms of a security instrument.

Sec. 51.0021. NOTICE OF CHANGE OF ADDRESS REQUIRED. A debtor shall inform the mortgage servicer of the debt in a reasonable manner of any change of address of the debtor for purposes of providing notice to the debtor under Section 51.002.

Sec. 51.0025. ADMINISTRATION OF FORECLOSURE BY MORTGAGE SERVICER. A mortgage servicer may administer the foreclosure of property under Section 51.002 on behalf of a mortgagee if:

(1) the mortgage servicer and the mortgagee have entered into an agreement granting the current mortgage servicer authority to service the mortgage; and

(2) the mortgage servicer discloses in the notice required under Section 51.002:

(A) that the mortgage servicer is representing the mortgagee under a servicing agreement with the mortgagee; and

(B) the name and address of the mortgagee.

Sec. 51.0075. AUTHORITY OF TRUSTEE OR SUBSTITUTE TRUSTEE. (a) A trustee or substitute trustee may set reasonable conditions for conducting the public sale if the conditions are announced before bidding is opened for the first sale of the day held by the trustee or substitute trustee.

(b) A trustee or substitute trustee is not a debt collector.

(c) A mortgagee may appoint or may authorize a mortgage servicer to appoint a perpetual substitute trustee by power of attorney or other written instrument. The power of attorney or written instrument must be signed by the mortgagee's representative, acknowledged, and sworn to with a jurat.

Sec. 51.009. FORECLOSED PROPERTY SOLD "AS IS." A purchaser at a sale of real property under Section 51.002:

(1) acquires the foreclosed property "as is" without any expressed or implied warranties, except as to warranties of title, and at the purchaser's own risk; and

(2) is not a consumer.

SECTION 2. Sections 51.002(b), (d), and (e), Property Code, are amended to read as follows:

(b) Notice of the sale, which must include a statement of the earliest time at which the sale will begin, must be given at least 21 days before the date of the sale:

(1) by posting at the courthouse door of each county in which the property is located a written notice designating the county in which the property will be sold;

(2) by filing in the office of the county clerk of each county in which the property is located a copy of the notice posted under Subdivision (1); and

(3) by the mortgage servicer ~~[holder]~~ of the debt to which the power of sale is related serving written notice of the sale by certified mail on each debtor who, according to the records of the mortgage servicer ~~[holder]~~ of the debt, is obligated to pay the debt.

(d) Notwithstanding any agreement to the contrary, the mortgage servicer ~~[holder]~~ of the debt shall serve a debtor in default under a deed of trust or other contract lien on real property used as the debtor's residence with written notice by certified mail stating that the debtor is in default under the deed of trust or other contract lien and giving the debtor at least 20 days to cure the default before notice of sale can be given under Subsection (b). The entire calendar day on which the notice required by this subsection is given, regardless of the time of day at which the notice is given, is included in computing the 20-day notice period required by this subsection, and the entire calendar day on which notice of sale is given under Subsection (b) is excluded in computing the 20-day notice period.

(e) Service of a notice under this section by certified mail is complete when the notice is deposited in the United States mail, postage prepaid and addressed to the debtor at the debtor's last known address ~~[as shown by the records of the holder of the debt]~~. The affidavit of a person knowledgeable of the facts to the effect that service was completed is prima facie evidence of service.

SECTION 3. This Act takes effect January 1, 2004.

Representative Solomons moved to adopt the conference committee report on **HB 1493**.

The motion prevailed.

HB 1865 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Thompson submitted the following conference committee report on **HB 1865** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1865** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Williams
Staples
Armbrister
Fraser

Bonnen
B. Keffer
Seaman
Thompson
Wilson

On the part of the senate

On the part of the house

HB 1865, A bill to be entitled An Act relating to commercial group property insurance for certain businesses and associations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 5, Insurance Code, is amended by adding Article 5.41-3 to read as follows:

Art. 5.41-3. COMMERCIAL GROUP PROPERTY INSURANCE. (a) An insurer may write commercial group property insurance for a group of businesses or for an association that constitutes a large risk as that term is described by Section 8(f), Article 5.13-2, of this code if:

(1) the members of a group of businesses have clearly identifiable underwriting characteristics; or

(2) the members of an association are engaged in similar undertakings.

(b) An insurer, before using a policy form for a group of businesses or an association described by Subsection (a) of this article in which each member of the group or association is not a large risk as that term is described by Section 8(f), Article 5.13-2, of this code, shall file the policy form with the commissioner. A filing made under this subsection is for informational purposes only.

(c) An insurer, in accordance with Sections 3 through 7, Article 5.13-2, of this code, shall file with the commissioner all rates, supplementary rating information, and pertinent supporting information for commercial group property insurance written under this article in this state.

(d) An insurer filing a policy form or rates and related information under Subsection (b) or (c) of this article shall clearly identify the group of businesses or the association to be insured.

SECTION 2. Article 5.57A(a)(3), Insurance Code, is amended to read as follows:

(3) "Group" means:

(A) two or more business entities that join together with the approval of the Board to purchase individual workers' compensation insurance policies covering each business entity that is a part of the group; or

(B) two or more members of a trade association of business entities that join together with the approval of the commissioner to purchase individual workers' compensation insurance policies covering each participating trade association member.

SECTION 3. Articles 5.57A(b) and (c), Insurance Code, are amended to read as follows:

(b) On receiving approval of the Board as provided by this article, two or more business entities or members of a trade association may join together to form a group to purchase individual workers' compensation insurance policies covering each member of the group.

(c) To be eligible to join a group, a business entity must be:

(1) engaged in a business pursuit that is the same as or similar to the other business entities participating in the group as determined by the Board; or

(2) a member of the same trade association as the other business entities participating in the group.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Representative Thompson moved to adopt the conference committee report on **HB 1865**.

A record vote was requested.

The motion prevailed by (Record 893): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishat; Nixon; Noriega; Oliveira; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Peña(C).

Absent, Excused — Smithee.

Absent — Flores; Garza; Howard; Hunter; Miller.

SB 1015 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Elkins submitted the conference committee report on **SB 1015**.

Representative Elkins moved to adopt the conference committee report on **SB 1015**.

A record vote was requested.

The motion prevailed by (Record 894): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hefflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña(C); Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Smithee.

Absent — Flores; Garza.

HR 1776 - ADOPTED (by Delisi)

The following privileged resolution was laid before the house:

HR 1776

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 727**, relating to disease management programs for certain Medicaid recipients, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text to Section 32.059(e), Human Resources Code, to read as follows:

(e) The department may enter into a contract under this section with a comprehensive hemophilia diagnostic treatment center that receives funding through a maternal and child health services block grant under Section 501(a)(2), Social Security Act (42 U.S.C. Section 701), and the center shall be considered a disease management provider.

Explanation: The added text is necessary to ensure that a comprehensive hemophilia diagnostic treatment center is considered a disease management provider.

HR 1776 was adopted without objection.

HR 1795 - ADOPTED
(by McReynolds)

The following privileged resolution was laid before the house:

HR 1795

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2044**, relating to the powers and duties of the General Land Office and the accounting and disposition of state-owned real property, to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text that is not in disagreement in SECTION 16 of the bill, in Section 31.1572, Natural Resources Code, as added by the bill, to read as follows:

Sec. 31.1572. REAL ESTATE TRANSACTIONS BY PARKS AND WILDLIFE DEPARTMENT PROHIBITED IN CERTAIN AREAS. (a) The Parks and Wildlife Department may not offer for sale real property it owns or controls if the real property is located in a county:

(1) with a population of one million or more; and

(2) in which at least two municipalities with a population of 300,000 or more are located.

(b) This section expires September 1, 2004.

Explanation: The changed text is necessary to narrow the scope of the authority granted to the Parks and Wildlife Department to dispose of state-owned real property.

HR 1795 was adopted without objection.

HB 3587 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Callegari submitted the following conference committee report on **HB 3587** :

Austin, Texas, May 30, 2003

The Honorable David Dewhurst
President of the Senate

The Honorable Tom Craddick
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3587** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lindsay
Hinojosa
Barrientos
Staples

Callegari
Bonnen
Chisum
McCall
Wilson

On the part of the senate

On the part of the house

HB 3587, A bill to be entitled An Act relating to powers, duties, and name of the Energy Corridor Management District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter K, Chapter 376, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

SUBCHAPTER K. HARRIS COUNTY IMPROVEMENT
[ENERGY CORRIDOR MANAGEMENT] DISTRICT NO. 4

SECTION 2. Section 376.451(a), Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) The Harris County Improvement ~~[Energy Corridor Management]~~ District No. 4 is created as a special district under Section 59, Article XVI, Texas Constitution.

SECTION 3. Section 376.452, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection (d) to read as follows:

(d) By creating the district and in authorizing the City of Houston, Harris County, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

SECTION 4. Section 376.453(3), Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(3) "District" means the Harris County Improvement ~~[Energy Corridor Management]~~ District No. 4.

SECTION 5. Section 376.459, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection (d) to read as follows:

(d) If the board determines that it is in the best interest of the district, the board by resolution may increase or decrease the number of directors on the board except that the board may not consist of fewer than seven or more than 15 directors.

SECTION 6. Section 376.461, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection (c) to read as follows:

(c) A nonvoting director is not included for the purpose of establishing a board quorum.

SECTION 7. Section 376.464(a), Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) The district may exercise the powers given to a corporation created under Section 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), including the power to own, operate, acquire, construct, lease, improve, or maintain a project described by that section.

SECTION 8. Section 376.467, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 376.467. REQUIREMENTS FOR FINANCING SERVICES AND IMPROVEMENTS. The board may not finance a service or improvement project with assessments under this subchapter unless a written petition requesting the improvement or service has been filed with the board. The petition must be signed by:

(1) the owners of a majority of the assessed value of real property in the district subject to the assessment as determined by the most recent certified county property tax rolls; or

(2) at least 25 persons who own real property ~~[land]~~ in the district, if there are more than 25 persons who own real property in the district as determined by the most recent certified county property tax rolls.

SECTION 9. Section 376.468, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) ~~The [In addition to the elections the district must hold under Subchapter L, Chapter 375, the]~~ district shall hold an election in the manner provided by Subchapter L, Chapter 375, [that subchapter] to obtain voter approval before the district imposes a maintenance tax or issues bonds payable from ad valorem taxes ~~[or assessments]~~.

(c) Section 375.243 does not apply to the district.

SECTION 10. Section 376.470, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection (d) to read as follows:

(d) The board may make a correction to or deletion from the assessment roll without notice and hearing required for an additional assessment if the correction or deletion does not increase the amount of a parcel of land.

SECTION 11. Subchapter K, Chapter 376, Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Sections 376.478, 376.479, 376.480, and 376.481 to read as follows:

Sec. 376.478. TAX AND ASSESSMENT ABATEMENTS. The district may grant in the manner authorized by Chapter 312, Tax Code, an abatement for a tax or assessment owed to the district.

Sec. 376.479. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to an organization that:

(1) enjoys tax-exempt status under Section 501(c)(3), 501(c)(4), or 501(c)(6), Internal Revenue Code of 1986 (26 U.S.C. Section 501), as amended; and

(2) performs services or provides activities consistent with the furtherance of the purposes of the district.

Sec. 376.480. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created by the municipality under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created by the municipality under Chapter 312, Tax Code; or

(3) an enterprise zone created by the municipality under Chapter 2303, Government Code.

Sec. 376.481. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the district, to promote state or local economic development and to stimulate business and commercial activity in the district.

(b) For purposes of this section, the district has all of the powers and authority of a municipality under Chapter 380.

SECTION 12. Sections 376.459(c) and 376.460(b), Local Government Code, as added by Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001, are repealed.

SECTION 13. (a) The legislature validates and confirms all acts and proceedings of the Harris County Improvement District No. 4 and the district's board of directors that occurred before the effective date of this Act.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation, if the litigation ultimately results in the matter being held invalid by a final judgment of a court with jurisdiction; or

(2) has been held invalid by a court with jurisdiction.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Representative Callegari moved to adopt the conference committee report on **HB 3587**.

A record vote was requested.

The motion prevailed by (Record 895): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson;

Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Peña(C).

Absent, Excused — Smithee.

Absent — Castro; Chavez; Farabee; Flores; Homer.

SB 1597 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Thompson submitted the conference committee report on **SB 1597**.

Representative Thompson moved to adopt the conference committee report on **SB 1597**.

The motion prevailed.

HR 1680 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1680**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1680, Honoring Jaime Ramirez on his service as county commissioner of Presidio County.

HR 1680 was adopted without objection.

HR 1682 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1682**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1682, Honoring the Val Verde County Jail and Correctional Facility.

HR 1682 was adopted without objection.

HR 1767 - ADOPTED (by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1767**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1767, Honoring State Representatives Carter Casteel and John Mabry as Freshman Members of the Year of the 78th Texas Legislature.

HR 1767 was adopted without objection.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 1767** as signers thereof.

HR 1786 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1786**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1786, Honoring Justice of the Peace Oscar De La Fuente of San Benito.

HR 1786 was adopted without objection.

HR 1787 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1787**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1787, Honoring Vanessa Renee Chapa on her service as an intern on the staff of State Representative Jim Solis.

HR 1787 was adopted without objection.

HR 1788 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1788**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1788, Honoring Celia Israel, the Austin Hispanic Chamber of Commerce Businesswoman of the Year for 2003.

HR 1788 was adopted without objection.

HR 1789 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1789**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1789, Honoring Sylvia de Leon for her work as a legislative assistant during the regular session of the 78th Texas Legislature.

HR 1789 was adopted without objection.

HR 1790 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1790**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1790, Commending efforts to improve dyslexia education in Texas.

HR 1790 was adopted without objection.

HR 1791 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1791**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1791, Honoring Gloria Calvo Hernandez on her work as a legislative secretary in the office of State Representative Jim Solis.

HR 1791 was adopted without objection.

HR 1792 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1792**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1792, Honoring Isabel Barberio for her work as a legislative assistant in the district office of State Representative Jim Solis during the 78th Legislative Session.

HR 1792 was adopted without objection.

HR 1793 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1793**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1793, Honoring Cynthia Alicia Villanueva for her exemplary service as a legislative assistant for State Representative Jim Solis.

HR 1793 was adopted without objection.

HR 1763 - ADOPTED
(by Capelo)

Representative Capelo moved to suspend all necessary rules to take up and consider at this time **HR 1763**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1763, In memory of noted pediatric cardiologist James Watson Simpson, M.D., of Corpus Christi.

HR 1763 was unanimously adopted by a rising vote.

HR 1773 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1773**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1773, Honoring the life of Cesar E. Chavez on March 31, 2004, the 77th anniversary of his birth.

HR 1773 was adopted without objection.

HR 1774 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1774**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1774, Honoring the life of Benito Juárez on March 21, 2004, the 198th anniversary of his birth.

HR 1774 was adopted without objection.

HR 1775 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1775**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1775, Congratulating Oak Cliff on the 101st anniversary of its annexation to Dallas.

HR 1775 was adopted without objection.

HR 1782 - ADOPTED

(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1782**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1782, Commemorating the observance of Cinco de Mayo 2004.

HR 1782 was adopted without objection.

HR 1783 - ADOPTED

(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1783**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1783, Recognizing La Federación de Clubes Zacatecanos del Norte de Texas and its 2004 commemoration of the birth of Benito Juárez.

HR 1783 was adopted without objection.

HR 1784 - ADOPTED

(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1784**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1784, Recognizing Diez y Seis de Septiembre (Mexican Independence Day).

HR 1784 was adopted without objection.

HR 1785 - ADOPTED

(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1785**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1785, Recognizing Diez y Seiz de Septiembre (Mexican Independence Day).

HR 1785 was adopted without objection.

HR 1751 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1751**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1751, In memory of Manuel "Manny" Ruiz of El Paso.

HR 1751 was unanimously adopted by a rising vote.

HR 1683 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1683**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1683, In memory of Constable Jack F. Bell of Jeff Davis County.

HR 1683 was unanimously adopted by a rising vote.

HR 1748 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1748**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1748, Congratulating Lieutenant Diana Kirk of the El Paso Police Department on her recent promotion.

HR 1748 was adopted without objection.

HR 1749 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1749**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1749, Commending Louise Proctor of El Paso for her generous efforts in behalf of Project Linus.

HR 1749 was adopted without objection.

HR 1750 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1750**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1750, Congratulating Guadalupe Barrios of El Paso on his high school graduation and many achievements.

HR 1750 was adopted without objection.

HR 1752 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1752**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1752, Congratulating the journalism class of Burges High School in El Paso for its superior performance and receipt of many national awards.

HR 1752 was adopted without objection.

HR 1753 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1753**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1753, Honoring The University of Texas at El Paso delegation to the Model Organization of American States (OAS) General Assembly.

HR 1753 was adopted without objection.

HR 1762 - ADOPTED
(by Driver)

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 1762**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1762, Honoring John and Lila Driver on their years of service to the Garland Independent School District.

HR 1762 was adopted without objection.

HR 1796 - ADOPTED
(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 1796**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1796, Honoring John Robert Wallace on his 60th birthday.

HR 1796 was adopted without objection.

HR 1777 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1777**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1777, Congratulating Vanessa B. Zertuche on her graduation from the Texas School for the Deaf.

HR 1777 was adopted without objection.

HR 1778 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1778**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1778, Congratulating Pamela Yvette Strube on her graduation from the Texas School for the Deaf.

HR 1778 was adopted without objection.

HR 1779 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1779**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1779, Congratulating Armando Cararillo Perez on his graduation from the Texas School for the Deaf.

HR 1779 was adopted without objection.

HR 1780 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1780**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1780, Congratulating Krystina Ashley Adkins on her graduation from the Texas School for the Deaf.

HR 1780 was adopted without objection.

HR 1781 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1781**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1781, Congratulating Judith Meza on her graduation from the Texas School for the Deaf.

HR 1781 was adopted without objection.

HR 1770 - ADOPTED
(by W. Smith)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 1770**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1770, Congratulating Mark and Monica von Waaden and Ed Toles on the opening of Rolling Dough Bakery.

HR 1770 was adopted without objection.

HR 1771 - ADOPTED
(by W. Smith)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 1771**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1771, Honoring Harry Lee Duffy of Crosby on his ordination into the priesthood.

HR 1771 was adopted without objection.

HR 1764 - ADOPTED
(by Merritt and McReynolds)

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 1764**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1764, Honoring the Texas Forest Service for its efforts in the recovery of the space shuttle Columbia.

HR 1764 was adopted without objection.

HR 1686 - ADOPTED
(by Wise)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1686**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1686, Honoring Jesse Bernal, chief of staff for Representative Miguel "Mike" D. Wise.

HR 1686 was adopted without objection.

HR 1687 - ADOPTED
(by Wise)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1687**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1687, Honoring Patricia Villarreal of McAllen for her service as a legislative aide in the office of State Representative Miguel D. Wise.

HR 1687 was adopted without objection.

HR 1688 - ADOPTED
(by Wise)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1688**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1688, Honoring Mario Ruiz, Jr., for his service as a legislative intern.

HR 1688 was adopted without objection.

HR 1689 - ADOPTED
(by Wise)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1689**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1689, Honoring Dr. Frances Deviney of Austin for her service as legislative director of State Representative Miguel D. Wise.

HR 1689 was adopted without objection.

HR 1690 - ADOPTED
(by Wise)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1690**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1690, Honoring Brittany Werme of Houston for her service as a legislative intern.

HR 1690 was adopted without objection.

HR 1691 - ADOPTED
(by Wise)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1691**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1691, Honoring Mary A. Gonzalez as Elementary Teacher of the Year for 2002-2003 by the Weslaco Independent School District.

HR 1691 was adopted without objection.

HR 1684 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1684**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1684, Recognizing the grand opening of the Light of Hope gift shop in Mercedes.

HR 1684 was adopted without objection.

HR 1685 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1685**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1685, Honoring Anna Gaytan as Secondary Teacher of the Year for 2002–2003 by the Progreso Independent School District.

HR 1685 was adopted without objection.

HR 1692 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1692**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1692, Congratulating Ruben "Ram" de Leon on being named interim police chief of Donna.

HR 1692 was adopted without objection.

HR 1693 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1693**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1693, Honoring Mary Cantu as Elementary Teacher of the Year for 2002–2003 by the Progreso Independent School District.

HR 1693 was adopted without objection.

HR 1740 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1740**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1740, Commending Diedre Loretta "Boo" Douglas on her legislative service.

HR 1740 was adopted without objection.

HR 1741 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1741**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1741, Honoring Russell Brandon Vail on being named 2002-2003 Elementary Teacher of the Year for the Donna Independent School District.

HR 1741 was adopted without objection.

HR 1742 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1742**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1742, Honoring Jeanne Lavon Everitt on being named 2002-2003 Elementary Teacher of the Year for the Weslaco Independent School District.

HR 1742 was adopted without objection.

HR 1743 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1743**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1743, Congratulating Dr. Lucinda Rodriguez and Dr. Ruben Rodriguez on graduating from the Baylor College of Dentistry.

HR 1743 was adopted without objection.

HR 1797 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 1797**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1797, Commending Alonso Luna, Democratic precinct chair of Hidalgo County.

HR 1797 was adopted without objection.

HR 1794 - ADOPTED
(by Grusendorf)

The following privileged resolution was laid before the house:

HR 1794

BE IT RESOLVED by the House of Representatives of the State of Texas, 78th Legislature, Regular Session, 2003, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1108**, relating to academic achievement in public schools, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add SECTION 6 to read as follows:

SECTION 6. Section 25.081, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A school may not operate on the Memorial Day holiday.

Explanation: This change is necessary to prohibit schools from operating on Memorial Day.

A record vote was requested.

HR 1794 failed of adoption by (Record 896): 23 Yeas, 102 Nays, 2 Present, not voting.

Yeas — Chavez; Corte; Flores; Gallego; Hamric; Hilderbran; Hochberg; Hodge; Hope; Howard; Isett; McClendon; Menendez; Naishtat; Olivo; Peña(C); Phillips; Pickett; Raymond; Riddle; Solis; Uresti; Zedler.

Nays — Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Coleman; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gattis; Geren; Giddings; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Homer; Hopson; Hughes; Hunter; Hupp; Jones, D.; Jones, J.; Keffer, B.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Mabry; Madden; Martinez Fischer; McCall; McReynolds; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Noriega; Oliveira; Paxton; Pitts; Puente; Quintanilla; Reyna; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Turner; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley.

Present, not voting — Mr. Speaker; Mercer.

Absent, Excused — Smithee.

Absent — Bailey; Brown, F.; Canales; Christian; Cook, R.; Davis, Y.; Garza; Goodman; Goolsby; Guillen; Hill; Jones, E.; Keel; Keffer, J.; Laney; Luna; Marchant; Merritt; Seaman; Smith, W.; Swinford; Wolens.

STATEMENTS OF VOTE

I was shown voting no on Record No. 896. I intended to vote yes.

Giddings

When Record No. 896 was taken, my vote failed to register. I would have voted yes.

Guillen

I was shown voting no on Record No. 896. I intended to vote yes.

Laubenberg

I was shown voting no on Record No. 896. I intended to vote yes.

Turner

REASON FOR VOTE

I voted for local control for school districts.

Casteel

(Smithee now present)

ADJOURNMENT

Representative Dutton moved that the house adjourn until 9 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 7:07 p.m., adjourned until 9 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 55

HB 1050, HB 1131, HB 1650, HB 1661, HB 1839, HB 1887, HB 2004, HB 2192, HB 2248, HB 2397, HB 2892, HB 3034, HB 3109, HB 3306, HB 3503, HB 3526, HB 3554, HB 3563, HB 3577, HCR 2, HCR 24, HCR 101, HCR 252, HCR 264, HCR 265, HCR 271, HCR 273, HJR 51

House List No. 56

HB 236, HB 249, HB 948, HB 999, HB 1053, HB 1232, HB 1247, HB 1287, HB 1440, HB 1483, HB 1517, HB 1575, HB 1590, HB 1614, HB 1621, HB 1634, HB 1696, HB 1702, HB 1733, HB 1743, HB 1773, HB 1895, HB 1940, HB 2308, HB 2379, HB 2400, HB 2453, HB 2458, HB 2525, HB 2718, HB 2795, HB 3168, HB 3303, HB 3305, HB 3324, HB 3565, HCR 7, HCR 86, HCR 262, HCR 274, HCR 276, HCR 277

Senate List No. 41

SB 10, SB 20, SB 45, SB 88, SB 144, SB 147, SB 162, SB 176, SB 186, SB 216, SB 236, SB 245, SB 292, SB 322, SB 467, SB 485, SB 578, SB 581, SB 582, SB 674, SB 718, SB 767, SB 769, SB 802, SB 815, SB 841, SB 879, SB 893, SB 966, SB 977, SB 1038, SB 1074, SB 1082, SB 1114, SB 1117, SB 1129, SB 1143, SB 1155, SB 1212, SB 1225, SB 1245, SB 1261, SB 1297, SB 1357, SB 1366, SB 1367, SB 1394, SB 1419, SB 1442, SB 1481, SB 1504, SB 1521, SB 1552, SB 1571, SB 1642, SB 1643, SB 1731, SB 1748, SB 1807, SB 1811, SB 1876, SB 1885, SB 1897, SB 1915, SB 1941, SB 1942, SCR 20, SCR 45, SCR 51, SJR 19

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Saturday, May 31, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 297	(viva-voce vote)
SB 480	(31 Yeas, 0 Nays)
SB 820	(31 Yeas, 0 Nays)
SB 1184	(viva-voce vote)
SB 1472	(31 Yeas, 0 Nays)
SB 1477	(viva-voce vote)
SB 1696	(31 Yeas, 0 Nays)
SB 1888	(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 600

Senate Conferees: West - Chair/Ellis, Rodney/Staples/Whitmire/Williams

SB 755

Senate Conferees: Ratliff - Chair/Armbrister/Brimer/Deuell/Madla

SB 1272

Senate Conferees: Armbrister - Chair/Jackson/Madla/Staples/Zaffirini

SB 1303

Senate Conferees: Madla - Chair/Brimer/Gallegos/Lucio/Zaffirini

SB 1387

Senate Conferees: Armbrister - Chair/Duncan/Harris/Nelson/Wentworth

SB 1551

Senate Conferees: Duncan - Chair/Armbrister/Averitt/Lucio/Shapiro

SB 1678

Senate Conferees: Whitmire - Chair/Ellis, Rodney/Ogden/Ratliff/Williams

SB 1771

Senate Conferees: Brimer - Chair/Ellis, Rodney/Fraser/Nelson/Ogden

SB 1835

Senate Conferees: Staples - Chair/Carona/Ogden/Whitmire/Williams

SB 1862

Senate Conferees: Bivins - Chair/Barrientos/Janek/Nelson/Zaffirini

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 518

Senate Conferees: Whitmire - Chair/Averitt/Ellis, Rodney/Gallegos/Harris

HB 645

Senate Conferees: Armbrister - Chair/Averitt/Estes/Hinojosa/Staples

HB 727

Senate Conferees: Janek - Chair/Deuell/Gallegos/Lucio/Nelson

HB 1204

Senate Conferees: Wentworth - Chair/Brimer/Ellis, Rodney/Madla/Williams

HB 1278

Senate Conferees: Janek - Chair/Averitt/Lucio/Staples/Zaffirini

HB 1314

Senate Conferees: Averitt - Chair/Shapiro/Van de Putte/West/Williams

HB 1817

Senate Conferees: Duncan - Chair/Averitt/Madla/Shapiro/West

HB 2359

Senate Conferees: Armbrister - Chair/Duncan/Ogden/Williams/Zaffirini

HB 2533

Senate Conferees: Staples - Chair/Armbrister/Duncan/Hinojosa/Lindsay

HB 2971

Senate Conferees: Deuell - Chair/Ellis, Rodney/Madla/Ogden/Wentworth

HB 3184

Senate Conferees: Barrientos - Chair/Lindsay/Ogden/Shapleigh/Wentworth

HB 3420

Senate Conferees: Madla - Chair/Brimer/Harris/Lucio/Van de Putte

HB 3578

Senate Conferees: Ellis, Rodney - Chair/Brimer/Gallegos/Lindsay/Wentworth

HB 3587

Senate Conferees: Lindsay - Chair/Barrientos/Estes/Hinojosa/Staples

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

HB 1165 (viva-voce vote)

SB 418 (31 Yeas, 0 Nays)

SB 827 (viva-voce vote)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 31, 2003 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE
FOLLOWING MEASURES:

SB 206 (viva-voce vote)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Saturday, May 31, 2003 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 256 Kuempel SPONSOR: Armbrister
Directing the White-tailed Deer Advisory Committee to address how habitat relates to the ecological diversity of the state and to study the role of the wildlife biologist in the development of management plans and in the utilization of suitable management practices, including population goals and control, yearly census data, supplemental feeding and food plots, and genetic management.

HCR 281 Hughes SPONSOR: Ratliff
Recognizing Mineola as the Birding Capital of East Texas.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 266 (viva-voce vote)
SB 319 (viva-voce vote)
SB 734 (30 Yeas, 0 Nays)
SB 1152 (30 Yeas, 0 Nays)
SB 1173 (30 Yeas, 0 Nays)
SB 1336 (30 Yeas, 0 Nays)
SB 1701 (viva-voce vote)
SB 1804 (viva-voce vote)
SCR 55 (viva-voce vote)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1708
Senate Conferees: Wentworth - Chair/Ellis, Rodney/Harris/Madla/Ratliff

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 2044

Senate Conferees: Staples - Chair/Armbrister/Estes/Fraser/Madla

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

HB 555 (30 Yeas, 0 Nays)

HB 1454 (viva-voce vote)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENGROSSED

May 30 - HCR 245

ENROLLED

May 30 - HB 85, HB 179, HB 217, HB 826, HB 833, HB 867, HB 1046, HB 1050, HB 1060, HB 1077, HB 1087, HB 1090, HB 1114, HB 1131, HB 1166, HB 1173, HB 1180, HB 1192, HB 1193, HB 1194, HB 1195, HB 1218, HB 1839, HB 1863, HB 1872, HB 1931, HB 1972, HB 2004, HB 2033, HB 2192, HB 2198, HB 2248, HB 2252, HB 2261, HB 2397, HB 2444, HB 2660, HB 2692, HB 2701, HB 2732, HB 2846, HB 2892, HB 2937, HB 2961, HB 2970, HB 3030, HB 3179, HB 3193, HB 3194, HB 3200, HB 3211, HB 3229, HB 3237, HB 3257, HB 3264, HB 3306, HB 3308, HB 3330, HB 3374, HB 3540, HB 3554, HB 3559, HB 3560, HB 3583, HB 3584, HB 3591, HB 3597, HB 3602, HB 3603, HB 3612, HB 3624, HB 3636, HCR 2, HCR 24, HCR 58, HCR 92, HCR 101, HCR 125, HCR 161, HCR 186, HCR 252, HCR 258, HCR 262, HCR 264, HCR 265, HCR 270, HCR 271, HCR 272, HCR 273, HCR 276, HJR 16, HJR 21, HJR 55

SENT TO THE GOVERNOR

May 30 - HCR 125, HCR 272

SENT TO THE SECRETARY OF THE STATE

May 30 - HJR 16

SIGNED BY THE GOVERNOR

May 30 - HB 728

